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# *The Journal of Southern History*

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# A Neglected Phase of the Movement for Southern Unity, 1847-1852

BY HOWARD C. PERKINS

Historians of the Old South have recorded the varied means by which southern leaders sought to defend their land against the surge of northern might, political, economic, and cultural. They have reviewed the cultivation of the philosophy of the sovereignty of the states and its implementing devices of nullification and secession. They have described the repeated efforts to devise a self-sufficient economy through the encouragement of southern manufactures and transportation and the improvement of southern agriculture. They have told how Southerners were at times persuaded to boycott northern goods and to meet in commercial conventions to deliberate upon ways of setting up factories, of building railroads, and of linking their ports with the great cities of Europe to stop the payment of tribute to northern shippers. They have listed the divers importunities addressed to Southerners to preserve their cultural integrity: read southern books and subscribe to southern newspapers and magazines; send home the Yankee school-teachers and engage loyal Southerners; throw out northern textbooks and use good southern texts; withdraw their sons from Harvard, Yale, and Princeton and send them to Charlottesville, Athens, and Oxford; cease their patronage of Newport and Saratoga and vacation instead at White Sulphur Springs.

The gospel of the self-sufficient South was presented to Southerners in many ways. It was urged by resolution and voice in the legislatures and conventions of the southern states; it was propagated with vehemence and eloquence in both houses of Congress; it was preached from the pulpit and the commencement platform and in the classroom;

it was proclaimed from the pages of the periodical and newspaper press; it was thundered in the meetings of countless Southern Rights associations; and it gained perennial life through the vigorous art of pamphleteering.

Consciousness of the distinctive economic and cultural interests of the South, together with the realization that southern unity was essential to their preservation, was first revealed by southern statesmen at the time of the debates on the admission of Missouri. Thenceforth, the ante-bellum period was increasingly marked by aspirations for southern unity, both within and outside the Union, their strength tending to rise and fall in keeping with fluctuations in the fortunes of southern economy and politics. While awareness of a common stake inspired a kind of defensive unity, disagreement on both principle and means defeated all efforts to achieve concerted, militant action until the election of Lincoln. On two occasions before 1860, however, movements for southern unity acquired such a character and such proportions as to warrant fears of attempts at disunion. The first gave rise to what is known as the South Carolina nullification controversy of 1832; the second grew out of the Wilmot Proviso and the Compromise of 1850 and is usually described as the movement for southern unity of 1847-1852, but at times is spoken of as "a secession movement."

The movement of 1847-1852 began with opposition to the proposed Wilmot Proviso, continued as opposition to Clay's compromise proposals, and died as opposition to the enacted Compromise of 1850. It had its origin in the war with Mexico, when the prospect of extensive territorial loot inspired both antislavery and proslavery leaders to action—antislavery men to establish bulwarks against the opening of the new areas to slavery, and proslavery men to assert rights of slaveholding in those regions. Governors, legislatures, conventions, politicians, and editors, North and South, rushed to enter the fray precipitated by the introduction of the Wilmot Proviso on August 8, 1846. The first appeal for southern unity came on February 19, 1847, when John C. Calhoun introduced in the Senate a series of resolutions intended as a

statement of principles upon which the whole South could unite.<sup>1</sup> This "Southern Platform" presented in moderate language the doctrine that slavery could not be excluded from the territories and asserted the equality of the states in the determination of their own institutions.

On March 8 the legislature of Virginia adopted resolutions that endorsed Calhoun's Platform;<sup>2</sup> and these were soon approved in substance by the legislatures of additional southern states.<sup>3</sup> In the face of this and other opposition to the Proviso, the status of slavery in the new territory remained undetermined through the end of the war and through the long Congressional session of 1848. In early December, in his last annual address to Congress, President Polk rebuked those persons who were inciting sectional passions and suggested three ways in which the territorial problem might be solved: let the people of each territory decide for themselves at the time of framing a state constitution; extend the Missouri Compromise line to the Pacific; or submit the issue to the federal courts for adjudication.

Northern politicians, however, soon initiated such actions in support of the principle of the Proviso and against the slave trade in the District of Columbia that Calhoun was driven to formulate another plea for united southern opposition to the prospective action of Congress. Under his leadership a caucus of southern members of Congress issued an "Address of the Southern Delegates in Congress to Their Constituents," containing a statement of the southern view of the engagements of the Constitution, an indictment of the North for its attacks on slavery and its violations of the fugitive slave law, and a charge of bad faith in respect to the whole subject of slavery in the territories and the compromises thereon. There was no threat of secession—only the warning that further attacks on the South might finally drive it to

<sup>1</sup> Herman V. Ames, "John C. Calhoun and the Secession Movement of 1850," in University of Pennsylvania, *University Lectures Delivered by Members of the Faculty in the Free Public Lecture Course, 1917-1918* (Philadelphia, 1918), 107.

<sup>2</sup> Herman V. Ames (ed.), *State Documents on Federal Relations* (Philadelphia, 1906), 244-47.

<sup>3</sup> Richard H. Shryock, *Georgia and the Union in 1850* (Durham, 1926), 138; Philip M. Hamer, *The Secession Movement in South Carolina, 1847-1852* (Allentown, 1918), 16-17.

measures not yet formulated. Southerners were entreated to believe that unity among themselves was "the first and indispensable step" toward security and that want of it had "brought the South, the Union, and our system of government to their present perilous condition."<sup>4</sup> The Calhoun address, published on January 22, 1849, listed forty-eight signers, not more than three of whom were Whigs.<sup>5</sup> President Polk had sought to wreck the venture,<sup>6</sup> and in this he was aided by the tactics of a group of southern Whigs and a few southern Democrats. Writing to John J. Crittenden, Robert Toombs, a Georgia Whig, declared that "we have completely foiled Calhoun in his miserable attempt to form a Southern party";<sup>7</sup> and on February 26 four southern Democrats issued an address to their constituents in which they praised the loyalty of northern Democrats and urged the preservation of the national Democracy.<sup>8</sup> Thus, while Calhoun's address may have "found a general response in the public opinion of the South,"<sup>9</sup> it failed to rally the people of the southern states to the militant defense of the principle of the inviolability of slavery in the territories.

The fortunes of Calhoun's address provide no index to southern feelings. Actually, during the few weeks of this phase of the movement for southern unity more measures of an aggressive kind had been intro-

<sup>4</sup> Richard K. Crallé (ed.), *The Works of John C. Calhoun*, 6 vols. (New York, 1854-1857), VI, 311.

<sup>5</sup> Robert Toombs expected two or three Whigs to sign. See his letter of January 22, 1849, to John J. Crittenden, in Ulrich B. Phillips (ed.), *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, in American Historical Association, *Annual Report*, 1911, 2 vols. (Washington, 1913), II, 142. In a footnote on the following page, however, Professor Phillips himself says that all the signers were Democrats. According to the *Whig Almanac* (title varies, New York, 1838- ), for 1849, two of the signers, John Gayle, of Alabama, and Patrick W. Tompkins, of Mississippi, were Whigs. The *Biographical Directory of the American Congress, 1774-1927* (Washington, 1928) says that Daniel Wallace, of South Carolina, was also a Whig, at least in 1847.

<sup>6</sup> Milo M. Quaife (ed.), *The Diary of James K. Polk during His Presidency, 1845 to 1849*, 4 vols. (Chicago, 1910), IV, 282-85.

<sup>7</sup> Phillips (ed.), *Correspondence of Toombs, Stephens, and Cobb*, 141.

<sup>8</sup> Hermann E. von Holst, *The Constitutional and Political History of the United States*, 8 vols. (Chicago, 1881-1892), III, 423.

<sup>9</sup> Ames (ed.), *State Documents on Federal Relations*, 253.



duced in Congress than in many years;<sup>10</sup> state legislatures, North and South, resolved with frequency and belligerence; and when Congress adjourned on March 4, both California and New Mexico were still without provision for government. Although his inaugural address was cautious and non-committal, the accession of Zachary Taylor on March 5 brought a momentary lessening of tension. When it became apparent, however, that the antislavery Seward instead of the "Cotton Whig" Fillmore was the President's preferred adviser, even southern Whigs took alarm.

During the summer of 1849 other southern states followed the lead of the Virginia legislature in its declaration that the passage of the Wilmot Proviso would confront the people of the state with the alternatives of "submission to oppression and outrage" and "determined resistance at all hazards and to the last extremity."<sup>11</sup> Public meetings throughout the South likewise approved these new Virginia resolutions.<sup>12</sup> Feeling came to a head in Mississippi, where under the covert inspiration of Calhoun a state convention in October issued a call for a convention of all the southern states to meet in Nashville on June 3, 1850, to define the rights of the South and formulate a common policy for the southern states.

When the Thirty-first Congress convened on the first Monday in December, 1849, sectional lines were sharply drawn for the impending battle over slavery in the new territories.<sup>13</sup> Following a long contest over the speakership of the House, Congress turned to the President's message on December 24. Taylor stated his policy briefly: he had reason to believe that California would soon frame a constitution and apply for admission to the Union, and that New Mexico would do likewise at no distant time; Congress should simply await their action and then approve the pleas for statehood. Many Southerners felt that Tay-

<sup>10</sup> John B. McMaster, *A History of the People of the United States from the Revolution to the Civil War*, 8 vols. (New York, 1883-1913), VIII, 4.

<sup>11</sup> William B. Hesseltine, *The South in American History* (New York, 1943), 306-307.

<sup>12</sup> James F. Rhodes, *History of the United States from the Compromise of 1850*, 7 vols. (New York, 1896-1906), I, 105.

<sup>13</sup> Only the so-called Mexican Cession was involved; Oregon had been given territorial organization without slavery in 1848.

lor's proposals would by indirection enact the Wilmot Proviso, whereas the more moderate of the southern Whigs stood ready to accept them. Congress responded to the President's appeal for patience and good temper by quickly subscribing to the principle of legislative independence with impatience and bad temper. Douglas, Foote, Benton, Mason, and Seward all submitted proposals relating to the status of slavery in the territories or to the rendition of fugitive slaves.<sup>14</sup> The debates continued. Resourcefulness in invective waxed and waned while the impulse to invective only waxed. Such was the state of affairs when Henry Clay again strode upon the stage.

Returning to Congress after an absence of more than seven years, the Great Pacificator soon realized that his beloved Union sorely needed another pacification. On January 29, he introduced into the Senate his comprehensive series of proposals to assure "the peace, concord, and harmony of the Union." The ensuing debates produced historic speeches by Clay, Calhoun, Webster, Cass, Benton, and Seward, but not until the death of Taylor and the coming of Fillmore, the partial retirement of Clay, the assumption of leadership by Douglas, and the breakdown of the Omnibus Bill into its constituent parts, did the Senate, finally, on September 16, approve the last of the measures, the abolition of the slave trade in the District of Columbia. The House quickly concurred, Fillmore added his signature, and Clay's program had been substantially enacted.

The Compromise of 1850 was bitterly resisted by southern extremists. They felt that for the crumbs of an unenforceable fugitive slave law they were being asked to pay an exorbitant price in the loss of equality in the Senate, in the surrender of a constitutional right to the protection of slavery in the territories, and in the moral implications of the action against the slave trade in the District of Columbia. Without formal organization but with zeal and volubility, they sought to goad the South into overt action. Their great hope was the Nashville Convention, but there, as with Calhoun's earlier venture, the disapproval of the moderates, largely Whig, defeated their purpose. Aside from Tennesseans, the convention attracted only seventy-five delegates, and

<sup>14</sup> McMaster, *History of the People of the United States*, VIII, 11-12.

even these failed to accept radical leadership. Its report contained the customary recital of southern wrongs and forebodings, as well as a series of resolutions that reasserted Calhoun's doctrine of the rights of slavery in the territories but indicated the acceptability of a division at the old Missouri Compromise line of 36° 30'.

The convention adjourned to meet in November. By that time, however, the southern acceptance of the Compromise was even more general. The great Georgia triumvirate, Toombs, Stephens, and Cobb, together with virtually all Whigs, gave it sincere if reluctant approval. Hence the November meeting attracted few delegates and aroused little interest. But the extremists did not tire easily; they persisted in their endeavors to win the southern states to the support of a program of decisive action—to "justice" or secession. Their early successes were by no means negligible, but in the end they had only South Carolina; and even there they won simply the decision to co-operate with like-minded states, rather than the determination to act alone. By late 1851 the judgment of the South was unmistakable: vigorous, concerted action must await the imminence of greater wrongs.

The leaders of the southern unity movement of 1847-1852 employed a multiplicity of means to attain their objectives. They maneuvered their pronunciamientos into Congress and into the *Congressional Globe*; they broadcast addresses to their constituents; they pamphleteered and stumped; they abetted the formation and operation of Southern Rights associations; and they sought by correspondence to draw into battle all possible allies among the politicians, editors, scholars, and clergymen of the South. Beyond these ancient and obvious devices, they fashioned another, noteworthy not for originality but for the singular completeness of its neglect by historians: they projected and established in Washington a newspaper that was designed to function without regard to party as the supreme journalistic spokesman of the South.

Sentiment in favor of a southern organ in the national capital had appeared soon after the introduction of the Wilmot Proviso. Southerners generally and many northern Democrats were displeased with the vagueness of the editorial policy of the *Washington Union*, edited by

Thomas Ritchie.<sup>15</sup> Both groups were likewise discontented with the *Republic*, Taylor's organ, and with the *National Intelligencer*, spokesman of the Fillmore administration.<sup>16</sup> The one remaining Washington paper of any influence, the *National Era*, was an abolitionist weekly. A group of northern Democrats, led by Douglas, played with the thought of restoring Francis P. Blair to the editorship of the *Union*.<sup>17</sup> Many Southerners, however, talked in terms of an entirely new paper. They had made some efforts in that direction in the summer of 1847, soliciting approval and backing in South Carolina, but only the Charleston district had responded. A few months later, on November 2, a public meeting near Calhoun's home had adopted resolutions urging action on the proposal. Later, plans which had been started for a newspaper in Washington to serve as a Calhoun organ were modified to call for a southern journal which would be free from party influence.<sup>18</sup> When in 1850 the much-discussed southern paper in the Capital became a reality, its editor observed that "so many rumors and reports of the establishment of such an organ at this place have hitherto been propagated without resulting in action, that the feasibility of the enterprise began to be regarded with distrust by friends and foes."<sup>19</sup> In June, 1850, the Nashville Convention was asked to urge support for a Southern Rights paper in Washington.<sup>20</sup> This was a plea in behalf of a project already under way, for some time in the spring of that year a group of southern members of the two houses of Congress had chosen a committee of four to prepare an address to the people of the southern states recommending the establishment in "Washington City" of a newspaper, which, "without reference to political party, shall be de-

<sup>15</sup> Charles H. Ambler, *Thomas Ritchie; A Study in Virginia Politics* (Richmond, 1913), 278.

<sup>16</sup> Frank L. Mott, *American Journalism: A History of Newspapers in the United States through 250 Years, 1690 to 1940* (New York, 1941), 257.

<sup>17</sup> Ambler, *Thomas Ritchie*, 283. With the coming of Ritchie and the departure of Blair, in 1845, the name of the Democratic organ in the Capital was changed from *Globe* to *Union*.

<sup>18</sup> Hamer, *Secession Movement in South Carolina*, 8, 12; Laura A. White, *Robert Barnwell Rhett: Father of Secession* (New York, 1931), 92.

<sup>19</sup> Washington *Southern Press*, June 17, 1850.

<sup>20</sup> *Resolutions, Address, and Journal of Proceedings of the Southern Convention* (Nashville, 1850), 33. Copy in the Harvard University Library.

voted to the rights and interests of the South, as far as they are involved in the questions growing out of African slavery." The committee of four, consisting of two Whigs, Senator Jackson Morton of Florida and Representative Robert Toombs of Georgia, and two Democrats, Senator Andrew P. Butler of South Carolina and Representative Jacob Thompson of Mississippi, reported to the southern Congressmen at a meeting in the capitol on the evening of May 7, 1850.<sup>21</sup>

The address, subsequently printed in pamphlet form as *Address to the People of the Southern States*, declared that, although sixteen hundred millions in slave property and an incalculable amount in other property was at stake, "whether the negro is to occupy the same social rank with the white man, and enjoy equally all the rights, privileges, and immunities of citizenship . . . is a question of greater moment than any mere question of property can be." "Public opinion," said the address, "is the force which has been most potent against us in the war now going on against the institution of negro slavery, [but] no organ of the united interests of those assailed has as yet been established, nor does there exist any paper which can be the common medium for an interchange of opinions amongst the Southern States." Deploing the lack of a Washington organ that "fairly and truly" presented the case of the South, the address reviewed the varied assaults upon southern interests, pointed out that the newspapers of the South often took their views from the party journals of the North, chided the South for its "supineness" in failing to maintain a more vigorous press, declared that it did not propose "to meddle with political parties as they now exist," and urged Southerners to "organize in every Southern town and county, so as to send this paper into every house in the land." In conclusion, the address promised that to head the new journal there would be procured "editors of high talent and standing."

While vigorous in its defense of southern rights, the address nowhere resorted to a beating of the drums. The resolution of its authors

<sup>21</sup> *An Address to the People of the Southern States* (n.p., 1850). The pamphlet form of the address consists of eight pages. Copy in the Library of Congress. The address was also printed daily for several months in the *Southern Press*.

was unmistakable, however, for it contained these pregnant sentences almost buried in the appeal for southern unity:

We must maintain the equality of our political position in the Union. We must maintain the dignity and respectability of our social position before the world; and we must maintain and secure our liberty and rights, so far as our united efforts can protect them; and, if possible, we must effect all this within the pale of the Union, and by means known to the Constitution. The union of the South upon these vital interests is necessary, not only for the sake of the South, but perhaps for the sake of the Union.<sup>22</sup>

On Monday, June 17, 1850, Volume I, Number 1, of the *Southern Press* appeared on the streets of Washington. Although the editors insisted that pressure from their supporters had forced the printing of the first number before the materials were ready, the *Southern Press* was from the beginning—and throughout its life—an attractive paper of seven columns per page and the usual four pages. The editorial stand on sectional issues was revealed without equivocation in a salutatory of nearly two columns, the news coverage was comparable to that of most city journals of the time, and the advertising was confined to pages three and four. The editors, the promised men of "high talent and standing," were Ellwood Fisher and Edwin De Leon. The paper was printed by "G. A. Sage and Her. H. Heath," and the office was given as "Pennsylvania Avenue, south side, between 3d and 4½ streets." In addition to the daily, there was to be a weekly edition issued on Wednesdays and a tri-weekly issued on Tuesdays, Thursdays, and Saturdays.

Fisher, senior editor and controlling power of the *Southern Press*, was a native of Virginia, born somewhere in the eastern part of the state on October 6, 1808.<sup>23</sup> His family was Quaker and in early life he

<sup>22</sup> *Ibid.*, 5.

<sup>23</sup> Biographical material on Fisher is meager and scattered. There is a brief sketch in Francis S. Drake (ed.), *Dictionary of American Biography* (Boston, 1874), 325, and a short obituary in *Appletons' Annual Cyclopaedia* (New York, 1862-1903), II (1863), 676. See also Cincinnati city directories, 1835-1850, and the following newspapers: *Southern Press*, July 22, September 16, December 5, 23, 1850, July 4, 1851, January 20, 26, 1852; *Indianapolis Spirit of '76*, February 29, 1840; *Atlanta Southern Confederacy*, October 7, 1862; and *Atlanta Daily Intelligencer*, October 7, 1862. Fisher's first name was written as both Elwood and Ellwood. In the second edition of his printed lecture, it

accepted that faith to the point of refusing to wear cloth of slave manufacture. Both his father and a grandfather had liberated their slaves. In 1816 he moved with his parents to Kentucky; at some unknown later date he moved on to Cincinnati. After some years in Cincinnati, he took up residence in Switzerland County, Indiana, and in 1838 was defeated in a bid for the Indiana state legislature. His defeat, he asserted later, was due to the charge that he was a "nullifier," a "character" that he "avowed and defended."<sup>24</sup> In the next election he was successful, and, although "entirely destitute of a practical knowledge of parliamentary rules," he entered the race for the speakership of the house. He was not elected, but as a part of a bargain he was awarded the actual, although not the nominal, chairmanship of the committee on the State Bank. He was known as a "Van Buren man" and a "loco-foco," and he assisted for a short time in editing the *Vevay Village Times*, a Democratic weekly. He returned to Cincinnati in 1841.

The reputation which later brought Fisher to the editorship of the *Southern Press* was built during the period of his second residence in Cincinnati, 1841-1850. By profession a lawyer, he appears to have had considerable talent in the handling of money. Later, in editorial repartee, he spoke vaguely of extensive property holdings north of the Ohio, spurned any suggestion that he either sought or needed to profit from the *Southern Press*, and declared that he could buy more than two establishments like the New York *Evening Post*, his adversary *du jour*. On the same occasion he was provoked into offering "half a million" of stock in the Ocean Naval Mail Steam Service at par, whatever that may have meant. While practicing law and making money in Cincinnati, Fisher found time to contribute to the cultural life of the city, to dabble in journalism, and to put his finger into the political pie. As early as 1834 he was one of the two managers of the Cincinnati Lyceum, the other being Salmon P. Chase. He assisted in the founding of a mercantile library, wrote some editorials for the Cincinnati *Enquirer*

is written Ellwood. As carried on page one of the *Southern Press* it was always Ellwood, and it is used in that form here. See also footnote 119, below.

<sup>24</sup> *Southern Press*, December 5, 1850.

in which he favored a low tariff, and contributed a few articles to the *Louisville Journal*, in one of which he opposed the Mexican War.<sup>25</sup>

Fisher's position on political issues was revealed by his voting and his not voting, by his taking stands and his refusing to take stands, by his newspaper articles and his lectures, and by mention for public offices. He took no part in the campaign of 1832 and had no preferences. Almost alone in Cincinnati, he supported Calhoun in the nullification controversy of 1832; he approved Van Buren's sub-treasury proposal in 1837; he believed in hard money; he opposed abolitionism. He favored the annexation of Texas and accepted Chase's invitation to a public debate on the issue. During a temporary absence from the state he was nominated for the Ohio senate by a Democratic faction, but he received a bare five hundred votes. He headed a committee of Hamilton County Democrats "appointed to correspond with the Secretary of the Treasury for the purpose of communicating the effect of the tariff of 1842 on the agricultural and other interests of the west."<sup>26</sup> He was recommended to President Polk for Commissioner of the General Land Office, and his candidacy was supported by the Democrats of Ohio and the Northwest, but the favor went to another. In 1848 he neither supported nor voted for any candidate.

Fisher's greatest bid for eminence was a lecture that he first delivered before the Young Men's Mercantile Library Association of Cincinnati on January 16, 1849, and repeated many times throughout the South. This lecture, entitled "The North and the South," was warmly received in the southern states, the legislature of Virginia even honoring its author with a public entertainment for his services to the South.<sup>27</sup> J. D. B. De Bow reprinted it in his *De Bow's Review*, observed that "many thousand copies were printed at the expense of members of Congress,"

<sup>25</sup> *Ibid.*, September 5, 1850. Fisher also expressed his opposition to the Mexican War in a letter to Calhoun, December 2, 1846. J. Franklin Jameson (ed.), *Correspondence of John C. Calhoun*, in American Historical Association, *Annual Report*, 1899, 2 vols. (Washington, 1900), II, 1096-99.

<sup>26</sup> The address of the committee was printed in pamphlet form in 1845 with the title, *Letter to the Secretary of the Treasury, on the Effect of the Tariff of 1842; on the Agricultural and Other Interests of the West* (n.p., 1845). Copy in the University of Chicago Library.

<sup>27</sup> *Southern Press*, December 5, 1850.



and declared that "for the first time the South has had justice done to her out of her own limits."<sup>28</sup> Jefferson Davis spoke of it as "very widely circulated over the United States," and said that while it had been "severely criticised . . . the facts set forth have not yet been denied."<sup>29</sup> The *Southern Quarterly Review* described it as "an expression of opinion, at once so just and fearless, from a region which has heretofore been too much distinguished by the wildest ravings of the abolition madness," and in its next number added that "Mr. Fisher strikes out into a bold and to most persons we doubt not an entirely new train of facts and arguments" and that "the whole South owes him its grateful thanks . . . for the industry with which he has collected and classified important facts, and the sound and philosophical conclusions he has logically deduced from them."<sup>30</sup> By the use of "miscellaneous statistics ingeniously arranged," Fisher popularized if he did not originate what might be called the selected-statistics method in the dialectics of the slavery controversy. Southerners tended to use it with increasing frequency,<sup>31</sup> although one of them, Hinton Rowan Helper, turned it on his own section with devastating effect in his *Impending Crisis of the South*. Fisher himself alluded to his lecture from time to time in the *Southern Press*, and despite the fact that he has been described as "a statistical writer"<sup>32</sup> it remains the one published work attributed to him.<sup>33</sup> While in the limelight won by his lecture, he was, he says, without solicitation on his part unanimously selected by the committee of four to assume editorial control of the soon-to-be-born defender of the South and southern interests.<sup>34</sup>

<sup>28</sup> *De Bow's Review* (New Orleans, 1846-1880), VII (1849), 134-45, 262-66, 304-16.

<sup>29</sup> *Congressional Globe*, 31 Cong., 1 Sess., 155 (February 14, 1850).

<sup>30</sup> *Southern Quarterly Review* (New Orleans and Charleston, 1842-1857), XV (1849), 266, 276.

<sup>31</sup> Several replies to Fisher's lecture soon appeared in pamphlet form. In one of these, *The South and the North: Being a Reply to a Lecture on the North and the South*, by Ellwood Fisher (Washington, 1849), signed "By a Carolinian" and attributed to Daniel Reeves Goodloe, another Southerner cites a mass of statistics to disprove Fisher's thesis of the greater wealth of the South. Copy in the Ohio State University Library.

<sup>32</sup> Drake (ed.), *Dictionary of American Biography*, 325.

<sup>33</sup> This statement is based upon a check of a number of large libraries, including the Library of Congress and its Union Card Catalog. No other publication by Fisher is mentioned in the *Southern Press* or in biographical accounts.

<sup>34</sup> *Southern Press*, December 23, 1850.

The Richmond *Times* declared that Fisher owed his appointment as editor of the new southern organ to his lecture,<sup>85</sup> and this judgment appears hardly open to challenge. He was not yet forty-two, his experience in public office was limited to one term in the lower house of the Indiana legislature, and his service in journalism amounted only to a brief period of assistance with a country weekly and the writing of a few editorials and articles for two city papers. His assets were his devotion to the South, his comparative affluence, and the sentiments of "The North and the South." The lecture, thus of major importance in Fisher's background and indeed in his entire career, might be summarized as follows:

The value of the commerce, textile manufactures, and property generally of the South, calculated on a per capita basis of white persons, exceeded that of the North at the adoption of the Constitution and for twenty-five years after. Since then, however, commerce and the arts have left the South. The decline in commerce has been rightfully attributed to the tariff and the National Bank, but Northerners persist in blaming it on slavery. The South is assumed to have become both impoverished and improvident, and the North speaks of it in terms of pity, scorn, and obloquy. Actually, gains in agriculture have compensated for the losses in commerce. In the per capita wealth of free persons, Maryland surpasses Massachusetts, Virginia surpasses New York, and Kentucky surpasses Ohio. Figured without property in slaves, the advantage remains with the southern states. In many ways, including land and home owning, wealth is more equitably distributed in the South. Northerners produce and consume less wheat and meat, slaves included in the calculations. Admittedly, the North produces and consumes more potatoes, a cheap and less nourishing food. Honestly figured, the South is the more prosperous, and the explanation lies in agriculture. Farming collects dividends on the fecundity of nature—not so with commerce and industry. The agricultural life, moreover, is less consuming; tastes are simpler and temptation to luxury less. Fashion and vice exact heavy tolls in northern cities. Farmers live an average of more than sixty-four years, city merchants, mechanics, and laborers an average of less than forty-seven. The natural increase in population is greater in the South. Industrialism forces many young women into unnatural lives with bad surroundings, while many young men must go West to find a future. In many areas of the North, including Massachusetts and New York, pauperism is rising ten times as fast as wealth or population; it is almost unknown in the South. Crime is uniformly more common in the North than in the South. Northern criminals are largely natives,

<sup>85</sup> Quoted in *ibid.*, September 16, 1850.

not immigrants. Religious fidelity has deteriorated in the North; it has increased in the South. The North still leads in education, but the newer states of the South lead the North. The more extensive and elevated social intercourse of the South compensates in part for inferior educational facilities. The North excels in letters, inventions, and philanthropy; the South in character, honor, friendship, and moral and political philosophy. The North now seeks to use the power of numbers to assert her views on slavery. If the South submits to northern dictation, she will be recreant to her honor and her destiny. In Haiti, Liberia, and the British West Indies, emancipation has led to barbarism, bloodshed, and poverty. Free Negroes will not work; they prefer to live among the white men of the slave states rather than in free states. Slavery may be an evil, but it is less an evil than industrialism. Emancipation would promote the welfare of neither the southern white man nor the Negro. The North reaps certain advantages from slavery: immigration, trade, freedom from southern competition. In reality, the two great sections are complementary in their systems. If either should fall by the hand of the other, the crime would not be fratricide but suicide.<sup>36</sup>

In addition to its statistical method, Fisher's lecture is, retrospectively, notable for the moderation of its counsels on southern policy and for its failure to assert the "positive good" philosophy of slavery. The author advanced no right of secession; he went only as far as to declare that if "the South should submit to be plundered of her share of the territory now in dispute, when, as an agricultural people, she requires her full proportion, she would be recreant to her interests, her power, her right, her honor, and her fame—recreant to her history and her destiny."<sup>37</sup> In reply to the charge that slavery is an evil, he declared that good and evil are relative, that the South prefers it to the evils of industrialism, and that the Negro may prefer it to the evils that beset his race in all other countries. The time may come, Fisher added, when in the progress of Christianity, the evils of slavery may be mitigated or abolished, along with those of industrialism.<sup>38</sup> Surely, in all this there was little to delight the fire-eaters. The comparative moderation of the lecture may possibly be explained by the place of its première, Cincin-

<sup>36</sup> *Lecture on the North and the South*. This lecture was reprinted in pamphlet form in many editions and in several cities. The "Second Edition" is used here; it was printed in Charleston, South Carolina, in 1849, and contains twenty-four pages.

<sup>37</sup> *Ibid.*, 22.

<sup>38</sup> *Ibid.*, 23.

nati, for Fisher lived there, owned property there, had his legal clientele there. Yet, all of this warrants no assumption of insincerity.

Edwin De Leon, Fisher's editorial colleague, came to the *Southern Press* at the age of thirty-two. The son of a prominent surgeon, he had been born in Charleston, South Carolina, on May 4, 1818.<sup>39</sup> After being graduated from South Carolina College in 1837 and admitted to the bar in 1840, he became a co-editor of the Savannah (Georgia) *Republican*, then editor of the Columbia (South Carolina) *Telegraph*,<sup>40</sup> from which post he went "on six hours notice" to the *Southern Press*. He was apparently chosen by the committee rather than by Fisher.<sup>41</sup> The Richmond *Times* described him as "an impulsive young Carolinian" who had once been "a sort of Whig."<sup>42</sup> In 1850 he had less prestige among Southerners than Fisher, and he was kept to a subordinate but by no means subservient role throughout the lifetime of the *Southern Press*. Later, however, he gathered more distinction than Fisher had ever known.

The first number of the *Southern Press*, like subsequent issues for several months, carried the "Address to the People of the Southern States" and, in accordance with a resolution adopted at the meeting of southern members of Congress on May 7, a list of the senators and representatives who had agreed to support the new paper by entering several subscriptions each. The sixty-four names included eighteen

<sup>39</sup> Brief but fairly satisfactory accounts of De Leon's life may be found in Rossiter Johnson (ed.), *Biographical Directory of Notable Americans*, 10 vols. (Boston, 1904), III; the *National Cyclopaedia of American Biography*, 31 vols. (New York, 1893-1944), IV, 94; John Howard Brown (ed.), *Lamb's Biographical Dictionary of the United States*, 7 vols. (Boston, 1900-1903), II, 418. For a statement of De Leon's early interest in southern rights, see the "Introductory" to his *Three Letters from a South Carolinian Relating to Secession, Slavery, and the Trent Case* (London, 1862). Copy in the Harvard University Library. See the *Southern Press*, July 22, 1850, and January 20, 1852. The New York *Tribune*, December 2, 1891, in its obituary of De Leon, is apparently responsible for originating the error that he was born in 1828 rather than in 1818. *Appletons' Annual Cyclopaedia*, XXXI (1892), 617, repeated the error, and it has been continued in the Library of Congress index cards and elsewhere. See also footnote 121, below.

<sup>40</sup> Winifred Gregory (ed.), *American Newspapers, 1821-1936; A Union List of Files Available in the United States and Canada* (New York, 1937), lists no surviving files of the *Republican* or the *Telegraph* of the time of De Leon's editorship.

<sup>41</sup> *Southern Press*, January 20, 1852.

<sup>42</sup> Quoted in *ibid.*, September 16, 1850.

senators and forty-six representatives from fourteen states, Delaware alone of the slave states being unrepresented. Of the 121 southern members of Congress, 64 signed the address, 15 Whigs and 49 Democrats. In terms of percentage, 53 per cent of the Southerners signed, 35 per cent of the Whigs and 63 per cent of the Democrats. The figures become more impressive when restricted to the states with substantial slavery interests—that is, to the states that later joined fortunes in the Confederacy. By this calculation, 65 per cent of the members signed, 48 per cent of the Whigs and 72 per cent of the Democrats. Statistics thus warranted the hope of Southerners that here was to be a paper that was to know no party, but was to serve the South, her institutions, and her interests. Democrats and Whigs, extremists and moderates, all joined in a great effort to do more than give the South another newspaper—actually to found an organ that would take its tone from the South and in turn give both tone and animation to the whole press of the South.

The prospect of an avowedly pro-southern journal in Washington evoked a variety of comments from the editors of both sections. The *Washington Union* noted that "several of the southern presses . . . hail with satisfaction the establishment of a southern press," but declared that the "general effects are marked by distinct and opposite phenomena,"<sup>43</sup> and quoted the *Savannah Georgian* as saying that it was "worse than idle to expect a union in the South upon the question of slavery, disconnected with politics."<sup>44</sup> The *Baltimore Republican* also doubted the wisdom of trying to establish a nonpartisan southern organ in the Capital, and the *Philadelphia Pennsylvanian* had no hopes of good to come from the venture.<sup>45</sup> Washington journals were perhaps naturally unfriendly, or at least unencouraging. The *Union* and the *National Intelligencer* both insisted that they had themselves loyally defended the rights of the South; the editors of the *Union* resented the intimations of the address that they had failed to do so, while the

<sup>43</sup> *Washington Union*, May 18, 1850.

<sup>44</sup> *Ibid.*, May 26, 1850, quoting the *Savannah Georgian* of May 20, 1850.

<sup>45</sup> *Ibid.*, May 18, 1850, quoting the *Baltimore Republican* and the *Philadelphia Pennsylvanian*.

*Intelligencer* warned the *Southern Press* of the "graves of similar enterprises, which are strewed within the confines of this city."<sup>46</sup> The *Washington Republic*, devoting its energies to warring on the *Union*, apparently failed to comment on the birth of the new spokesman of slavery and the South.

Up in New York City, James Gordon Bennett, the colorful editor of the *Herald*, professed to see the founding of the *Southern Press* as a part of a "new movement" that "may rouse and concentrate the public opinion of the South to an extent that will have a very important bearing on the slavery question, if that difficulty is to be settled at all." He saw in the address "a resolute and unchangeable determination . . . to encounter all hazards and all issues" in the defense of southern interests. The result, he declared, might be the achievement of a sectional unity that could inaugurate a second American revolution:

The first step in the furtherance of this movement, as consulted and advised in the address, is the establishment of a central newspaper at Washington. But looking at the origin—the men who guide—the purposes disclosed—and the crisis into which the country has been precipitated, this movement is far more important, and springs from a deeper purpose, than a mere newspaper enterprise, or a printer's speculation. It is the commencement of a movement in reference to the interests and rights of the Southern States, similar to that which characterized the first step that led to the revolution of 1776, and the final separation of the old thirteen colonies from the galling tyranny of Great Britain. The address repudiates all the old ties of those parties or factions which have agitated the country for half a century, and whose contests have principally been directed to the election of a President, or the distribution of the spoils of office. . . . And this people, thus outraged and thus menaced, after years of long suffering, have determined to rouse themselves into action, and to take the first and energetic step, in defense of . . . [their] rights.<sup>47</sup>

The *Southern Press* on the first day of publication submitted in an "Introductory" what might well have been the articles of faith of a "new movement" for southern unity. The North, it declared, was the aggressor; the North alone disturbed the peace; the North violated the fugitive slave law; the North sought to monopolize the common terri-

<sup>46</sup> *Washington Union*, May 14, 1850; *Washington National Intelligencer*, June 18, 1850.

<sup>47</sup> *New York Herald*, May 14, 1850.

tories; the North slandered the domestic institutions of the South; the North assumed a position that was "sectional, unconstitutional, and anti-American." Furthermore, the South was right in its view of slavery, for "wherever two races exist in the same community, or two classes whose moral condition is unequal, one must be subject to the other, and in the degree of that inequality"; "the exclusion, and not the existence, of slavery, is a special, local, and domestic institution." Confident of the rectitude of her cause, the South "will consent to no settlement of this question, based in any degree on any pretense of her inferiority, morally, socially, or politically, to any other portion of the Union."

Fisher and De Leon were as emphatic in their support of policies as of principles. In its first number their journal assumed the championship of the Nashville Convention, although that assembly, even before it convened, had been generally repudiated by Southerners and left in the hands of radicals. The *Southern Press* hoped for approval of the work of the convention and termed its resolutions "wise, temperate, and firm." On the following day it took notice of the continuing debates in Congress on Clay's program and declared that it "was not opposed to compromise, but the line of 36 deg. 30 min. to the Pacific is the utmost concession to be made," thus underwriting the "extreme concession" of the Nashville gathering. Persisting in its virtual ultimatum of the Missouri Compromise line, a month later it condemned Webster for his failure to support the division of California, took issue with *De Bow's Review* for describing the Nashville Convention as a "failure," quarreled with the *Washington Union* for supporting the compromise proposals, and lashed out at the *Louisville Journal* as an unconditional submissionist.<sup>48</sup> Reviewing the Clay proposals again on July 27, it insisted that they would only "increase and aggravate" sectional animosities, but it neither advocated extreme action nor advised a categorical rejection.

<sup>48</sup> *Southern Press*, July 19, 20, 22, 24, 30, 1850. The influence of the *Union* had been important, perhaps decisive, in the enactment of the Compromise. See Ambler, *Thomas Ritchie*, 281-82.

The *Southern Press* early turned to fighting talk. On August 2 it asserted its conviction that "the idea of maintaining this Union by compulsion, is preposterous." A few days later it feared that secession and civil war would follow the adoption of the bill to admit California as a free state. The South could not decline war "without dishonor and disaster" if the North persisted in "the scheme of wresting from seven millions of free people by the mere formula of a majority vote, their rightful share of the richest territory under the sun, and this with the avowed design of fixing eternal barriers against their future progress."<sup>49</sup> A few days later it estimated that the six southern states most emphatic in their opposition to Clay's bill had half a million of brave men, half with their own horses and rifles; those states controlled the Mississippi, they could cut off communication with California and Oregon, and they produced the cotton that "sustains our foreign trade and clothes the world." "Let a collision arise between them and the Northern states, and the spindles of Massachusetts become silent, the grass grows in the streets of New York, and the grain of the Northwest rots in her granaries." As if the point had not been made, the *Southern Press* added that "the liberties of these States were won by the sword—and if necessary, by the sword they will be maintained."<sup>50</sup>

The editors of the *Southern Press* repeatedly declared their conviction that the South opposed Clay's compromise proposals. They expressed disappointment with the stand of *De Bow's Review*, and they dealt even less gently with the "submissionism" of the *Union*, the *Republic*, and the *National Intelligencer*, all of Washington, D. C., and of the *New Orleans Bee*, the *Richmond Times*, and other southern journals.<sup>51</sup> For evidence of the true spirit of the South, the *Southern Press* pointed to its own accounts of public meetings in which Southerners had expressed their resentment against Clay's bills. On August 22 it spoke of six accounts of the day before, of twelve that day, of twelve to be printed the next day, and of the two months past in which it had been "full" of them. The failure of other Washington papers to print one-

<sup>49</sup> *Southern Press*, August 12, 1850.

<sup>50</sup> *Ibid.*, August 22, 1850.

<sup>51</sup> *Ibid.*, July 20, 22, 26, August 27, 28, September 16, 1850.



fifth as many accounts, it contended, proved the need of a southern organ in the national capital. It blamed the tone of many border state papers on their proneness to take their copy from Capital newspapers and correspondents sustained by the patronage of the Fillmore administration.<sup>52</sup>

The progress of the compromise measures in Congress soon incited the *Southern Press* to further belligerence. After declaring that "if Texas is dismembered, and California admitted, with such boundaries as the Convention there claimed, we don't think the Union can be preserved," it passed to a bitter defense of the rights of the South in the territories, charging that the exclusion of slavery from the territories would mean that all Southerners "of talent and ambition will be proscribed from the honors of their common country," and adding that when the "slaves learn that the master race of the South has surrendered, or been overcome . . . the safety of Southern firesides, can no longer be relied on" and "Southern honor and courage will become by-words of reproach." Southern men would "hang their heads in each other's presence, and even in the presence of their wives."<sup>53</sup> On August 29 it announced that "the hour of Southern destiny has come" and asked if Southerners, with superiority in wealth and character, would "submit to be arrested in the greatest career of progress the world has yet witnessed." On September 6 the House combined the Texas boundary and the New Mexico bills and passed them as one, whereupon the *Southern Press* spoke mournfully of "the most calamitous event that has yet befallen this Union," added that it "quenched all hope of an equitable adjustment of the great questions of the day by Congress," and called upon the southern legislatures to redeem their promises to assemble in the event of the passage of the Wilmot Proviso, unless they had meant only "*the name, and not the thing*." If their resolutions were so qualified, then "they will have ended the most comprehensive and memorable farce that has ever been enacted before the civilized world, and the South will have sunk to rise no more."<sup>54</sup> The passage of the California

<sup>52</sup> *Ibid.*, August 19, 22, 1850.

<sup>53</sup> *Ibid.*, August 28, 29, 1850.

<sup>54</sup> *Ibid.*, September 7, 1850.

and Utah bills on September 7 drove the *Southern Press* still deeper into despair, into taunting the border states with tending toward abolitionism, and into the calculation that with western accretions and southern defections the North would in six years possess the votes to amend the Constitution.<sup>55</sup> In a few days, however, its spirit revived, and it turned to booming the second session of the Nashville Convention, scheduled for November 11.<sup>56</sup>

The last of the Compromise measures became law on September 20, and the efforts of the *Southern Press* to prevent enactment now became efforts to promote repudiation. The seven weeks before the reconvening of the Nashville Convention were filled with varied rhetoric designed to effect southern unity in the work ahead—appeals to the governors of the southern states to call conventions to determine a common plan of action, defenses of slavery and of the right of secession, charges of northern assaults on the southern states and their institutions, statistics to prove economic discrimination against the South, interpretations of the commitments of the Constitution, listings and eulogies of Southern Rights meetings throughout the South, predictions of evasions of the new Fugitive Slave Law, analyses of geographical, economic, and cultural distinctions between the North and the South, and, finally, rather precise instructions for the approaching meeting at Nashville. On September 27 the *Southern Press* declared that it preferred that the South should be “the cemetery of freemen, rather than the habitation of submissive vassals of the ‘Higher Law’.” Nothing loath to venture into the wonderland of feminine psychology to gain a point, Editor Fisher in a criticism of northern industrialism lamented the separation of young women from their homes: “Now if there be any period of life after infancy, when parental affection is dear, when filial affection is deep and warm, it is at a time when a daughter is blooming into womanhood, and when she begins to repay by ministering to parental infirmity, her obligations for parental tenderness and care. And if there is any time in life, when parental counsel,

<sup>55</sup> *Ibid.*, September 12, 1850.

<sup>56</sup> *Ibid.*, September 19, 23, October 30, 1850, for example.

guidance and sympathy are important to a daughter, it is when she enters on that delicate, anxious, tempting, yet joyous and hopeful season."<sup>57</sup> Fisher's sortie into the familial *quid pro quo* soon ended and he returned to his drums: the Union "must be divested of its present terrible capability and aptitude for bad . . . the system must be reformed—or dissolved";<sup>58</sup> and Virginia must make her choice between North and South—"she cannot stand neutral . . . for in these days *those who are not for us are against us.*" In this final directive to the Nashville Convention, he presented his program for endorsement: The position of the earlier session of the Convention must be maintained; Congress must restore Texas, at least to 36° 30'; explanations must be demanded from Southerners who voted for the Texas bill; California must be divided at 36° 30', the southern portion to be open to slavery; California must get the ten million dollars intended for Texas; and the slave-trade prohibition in the District of Columbia must be repealed.<sup>59</sup>

The rump session of the Nashville Convention, assembling on November 11, 1850, attracted scant attention. As the first session five months earlier had failed to reflect the apparent resolution of the southern people to await the action of Congress on Clay's compromise proposals, so the adjourned session "had been robbed of all *raison d'être* by the passage of the compromise and the unmistakable tendency in the South to accept that adjustment." With few exceptions, only radicals attended; after relieving their feelings by oratory and resolutions, they left for home "unhonored and unsung."<sup>60</sup> For their labors they had an assertion of the right of secession, a piecemeal condemnation of the Compromise, an appeal for the suspension of all political, social, and trade relations with the North, and a plea for a congress of southern states.<sup>61</sup> Naturally, the *Southern Press* approved the Nashville resolutions. The issue, it declared, was momentous, for "the fate

<sup>57</sup> *Ibid.*, October 23, 1850.

<sup>58</sup> *Ibid.*, October 30, 1850.

<sup>59</sup> *Ibid.*, November 6, 1850.

<sup>60</sup> Shryock, *Georgia and the Union*, 323-24.

<sup>61</sup> McMaster, *History of the People of the United States*, VIII, 51-52.

of sections, of institutions, of races, of continents, of seas and of islands, of civilizations and of liberty, is involved." The South must make her choice: she must "determine whether she will assert her right to wealth and power, or whether she will bow down to the aggressor for a brief and uncertain respite from the fate of Jamaica and Saint Domingo before her."<sup>62</sup>

The hopes of the editors of the *Southern Press* for aggressive action rested upon the course of South Carolina, Mississippi, and Georgia; other southern states might follow but they would not lead.<sup>63</sup> Actually, the situation was complicated by the resentment of Mississippi and Georgia against South Carolina because of her propensity to dictate and, in the case of Georgia, because of acute commercial rivalry. Hence, South Carolina, eager to lead, must be content with appearing to follow, and so united southern action really hinged on the course of Mississippi and Georgia. The inability of South Carolina to inaugurate decisive action, the *Southern Press* never admitted; it therefore bent its energies to inciting her to separate state action, as well as to urging on Mississippi and Georgia, to taunting the border states into vigorous action, and to denying the representative character of the governments of the reluctant states. Upon the final adjournment of the Nashville Convention, it turned its attention to the November meeting of the Mississippi and South Carolina legislatures and to the December meeting of the Georgia convention.

Secessionists controlled the Mississippi legislature and provided for the calling of a state convention, but with the election of delegates scheduled for October, 1851, almost a year in the future. In consequence, immediate and separate state action was rejected by the South Carolina legislature in favor of prospective co-operation. The news from Georgia was even less heartening. The convention there adopted the so-called Georgia Platform, which accepted the Compromise of 1850 as a final settlement but threatened resistance to the point of disunion in the event of specified legislation unfriendly to slavery. The

<sup>62</sup> *Southern Press*, November 20, 1850.

<sup>63</sup> Melvin J. White, *The Secession Movement in the United States, 1847-1852* (New Orleans, 1916), 84.

Platform helped to unify the South in a policy of moderation, it produced considerable relief in the North and in Washington, and it did much to check the extremists of South Carolina.<sup>64</sup> To the editors of the *Southern Press*, however, the action of Georgia was only "submission"—the removal of "another great barrier to the tide of Northern aggression." Despite the fact that they had earlier hinted at the practical finality of the Compromise, they now insisted that "if the Georgia convention had presented the issue of justice or secession, the North might even yet have receded."<sup>65</sup>

Although the general southern approval of the Georgia Platform marked the close of the active phase of the never-too-promising movement to unite the South in resistance to the Compromise of 1850, a few parting shots remained to be fired before the two national parties stamped the settlement with approval in their conventions of 1852. In September, 1851, the Unionists of Mississippi elected their candidates in forty-one of the fifty-nine counties, and the ensuing convention rebuked the legislature for calling it into session and denied the right of secession.<sup>66</sup> The state election in Georgia the next month resulted in an overwhelming Union victory,<sup>67</sup> thus affirming the decision of the state convention of the year before. In South Carolina itself the election of delegates in October, 1851, to the southern congress called by the second session of the Nashville Convention resulted in a decisive victory for the co-operationists.<sup>68</sup> The congress never met. In the Thirty-second Congress, convening in December, 1851, southern members vied with each other in their haste to clamber back on the Union band wagon.<sup>69</sup> The South Carolina convention, elected fourteen months earlier and controlled by the secessionists, met in April, 1852, but even before it met "everyone accepted the question of secession as

<sup>64</sup> Shryock, *Georgia and the Union*, 338-42; Horace Montgomery, "The Crisis of 1850 and Its Effect on Political Parties in Georgia," in *Georgia Historical Quarterly* (Savannah, 1917- ), XXIV (1940), 293-322.

<sup>65</sup> *Southern Press*, December 20, 1850.

<sup>66</sup> Hamer, *Secession Movement in South Carolina*, 121; McMaster, *History of the People of the United States*, VIII, 52.

<sup>67</sup> Shryock, *Georgia and the Union*, 354.

<sup>68</sup> Hamer, *Secession Movement in South Carolina*, 123.

<sup>69</sup> White, *Robert Barnwell Rhett*, 125.

dead." It decided against separate state action and contented itself with a lone resolution, an emphatic assertion of the right of secession.<sup>70</sup> Other parting shots came in the form of blasts from individuals, resolutions from Southern Rights associations, and provocative editorials from unreconciled newspapers, including the *Southern Press*.

Through the high tide and the subsidence of the movement for southern unity the *Southern Press* had fought a good fight in behalf of a vigorous defense of southern rights, and in the months that followed it kept its faith. It found increasing time for ventures into other fields, but it always returned to the rights of the South. It condemned the free public schools becoming popular in the North; it declared that the South raised two-fifths of the federal taxes and received one-fifth of the expenditures; it characterized as "injudicious and inhuman" the exclusion of free Negroes from the southern states; and it professed, in January, 1851, to sense "a deep spirit of dissatisfaction pervading the whole South."<sup>71</sup> Two weeks later it reasserted its old belief that the South to obtain "redress" had only to "present to the North, in a manner that could not be mistaken, the alternatives of secession or justice."<sup>72</sup> It praised the continuing work of the Southern Rights papers, denounced the "ultra-submissionists" among the press for their "treachery and desertion of duty as public sentinels," pointed with alarm to the supposed new gains of abolitionism, warned the North that in supporting an augmented federal power it paved the way for despotism, opposed on constitutional and humanitarian grounds the colonization of free Negroes, and repeatedly upheld the right of secession.<sup>73</sup> It predicted that "in two years from the time of its passage, this compromise will either be overthrown, or the Union will be gone," and added that "in our opinion, the compromise will be crushed, and not the Union."<sup>74</sup>

On June 17, 1851, the *Southern Press* announced the completion of

<sup>70</sup> Hamer, *Secession Movement in South Carolina*, 138, 141-43.

<sup>71</sup> *Southern Press*, November 23, December 4, 30, 1850, January 6, 15, 1851.

<sup>72</sup> *Ibid.*, January 31, 1851.

<sup>73</sup> *Ibid.*, February 8, 19, 1851.

<sup>74</sup> *Ibid.*, May 19, 1851.

a year of publication and boasted that it had passed from "robust youth into lusty manhood" and had become an "acknowledged power in the republic." As for its future, it had this to say: "While those whose 'organ' it pretends to be, desire its continuance, and give to its conductors that generous confidence and liberal support which are the surest indications of that desire, so long will the *Southern Press* survive—but not one moment longer." A few days later it announced that its subscription list was larger than that of any other daily in Washington, and that in the South it had more subscribers than all other Washington papers combined. All this, it added, had been achieved "without and against party and government patronage," and in "a single section of the Union."<sup>75</sup>

During the last half of 1851 the *Southern Press*, whether from exhaustion or expediency, enlarged its editorial horizons to comment on Louis Napoleon, a sensational trial in Belgium, ancient Rome, Anglo-Saxonism, luxury and misery, steam power, the triumph of American ingenuity, the loss of the steamer *Union*, Cuba and Lopez, Hungarian exiles, and other items of current news or passing fancy. It found occasion, of course, to admonish its "Southern friends" to "be firm—be calm—be moderate—a separation *must* soon take place in the North of the true friends of the Union from the mass of anti-slavery Federalists."<sup>76</sup> Late in July it rejoiced in the supposed increase in southern displeasure with the Compromise, and asked Southerners to remain calm in spite of provocations, assuring them that "a large body of Southern men will attempt yet longer, within the Union, to obtain indemnity for the past and security for the future"; and a week later it devoted two columns to disagreeing with Francis Lieber's denial of the right of secession, and three columns to reporting a Southern Rights convention in Charleston.<sup>77</sup> Like every other newspaper in America, it took Horace Greeley to task, declaring that he was too economical to buy his slaves for life; instead, "he buys human flesh in its best condition—in its prime—by the day, or month, or year—when it is

<sup>75</sup> *Ibid.*, June 26, 1851.

<sup>76</sup> *Ibid.*, July 4, 1851.

<sup>77</sup> *Ibid.*, July 29, August 4, 1851.

young and vigorous." Thus, it added, he was able to go to the white slave pen and pick his young girl.<sup>78</sup> It denounced as "hypocrisy" the free Negro exclusion laws of Indiana, and insisted that the freedmen belonged in the South, in their native land. Even there, however, free Negroes asked themselves "whether the anxieties and perplexities, and uncertainties of food, under professed liberty, are to be compared to the quiet mind and happy plenty of, so called, slavery."<sup>79</sup>

In September the *Southern Press* resumed its deprecation of national parties. Declaring that the Whigs and the Democrats no longer had distinctive issues, it rejoiced that the stage was now set for "thirty parties instead of two." Any national party was in its very nature a threat to the interests of the South, for it "disregards State rights, State interests and State opinions, and subordinates all to national politics." While deploring the defeat of the "Southern party" in Mississippi, the *Southern Press* felt that such a party still had good prospects of ultimate success, for it is "triumphant in S[outh] C[arolina]; it has prevailed in Arkansas; it is advancing to victory in Georgia; it is powerful in Alabama, Florida, and Texas," and "in every other Southern state it has able and influential friends." The legislation of 1850 was not unchangeable, and the southern party should stand by its demand of "indemnity for the past and security for the future."<sup>80</sup> The Compromise, moreover, was simply the policy of appeasement: "It assumed that fanaticism and covetousness could be sated by concessions—only a little short of their demands; whereas all history shows that their demands increase as they are submitted to." The results of such a policy were tragic for the South: "abolition invading her Northern and western borders, and submission triumphant in her midst, and over all her states but one—and this too when at the North the last vestiges of respect for her rights, or faith in her power are crumbling into the mighty torrent of invective and reproach that rises against her higher and higher."<sup>81</sup> In reviewing the recent South Carolina elections, the *South-*

<sup>78</sup> *Ibid.*, August 25, 1851.

<sup>79</sup> *Ibid.*, September 3, 1851.

<sup>80</sup> *Ibid.*, September 23, 1851.

<sup>81</sup> *Ibid.*, October 15, 1851.



*ern Press* presented its most concise statement of its attitude toward the Compromise:

We never supposed that the separate secession of South Carolina was a very probable event—nor were we ever satisfied that it was a wise policy. Indeed, we have at no time expected a dissolution of the Union to result from the compromise, although we think that measure would have justified it. We supposed that if two or more Southern States had declared their determination to secede unless the compromise was abandoned, and the territorial rights of the South respected, that the federal government would have receded. And we think the South has committed an irretrievable blunder in not making that issue. . . . After the perpetration of such a deed as the compromise, the standard of public morality must fall so low as to invite other attempts of a similar character. To acquiesce in the compromise, is to acquiesce in a principle and precedent pregnant with every enormity, and threatening every interest.<sup>82</sup>

Unlike many prominent defenders of southern rights, the editors of the *Southern Press* were not advocates of industrialization and commercialization. They did not care to increase the proportion of merchants and artisans, for they were unconvinced that "the wealth, power, knowledge, morality, comfort, or independence of the South, would be promoted by such a change," although on an earlier occasion they had described some new cotton factories in the South as "a new and potent element of industrial and social progress."<sup>83</sup> They did believe in direct trade with Europe, simply to lower costs to southern consumers through the elimination of northern middlemen; and the senior editor, Fisher, apparently invested considerable sums in direct-trade projects. They urged their view of direct trade on the Cotton Planters' Convention, and, in turn, approved the proposal of the Macon session to organize the planters to keep up the price of cotton.<sup>84</sup> In short, the *Southern Press* usually adhered to the economic ideas of Fisher's lecture, "The North and the South."

During their discussions of southern policy, political and economic, Fisher and De Leon often ventured into what the "junior editor" called "principles," and most frequently into defenses of the right of seces-

<sup>82</sup> *Ibid.*, October 29, 1851.

<sup>83</sup> *Ibid.*, September 22, 1851. See also, *ibid.*, July 9, 1850.

<sup>84</sup> *Ibid.*, September 5, November 4, December 23, 1851.

sion and the institution of slavery. They spoke on these subjects throughout the lifetime of the *Southern Press*, at times briefly, at other times at length, but never with ambiguity. Their most succinct defense of the right of secession appeared on December 23, 1851, and said, in part:

We have always maintained, and ever shall maintain, the right of any one of these United States to withdraw from this Union into which she has entered—as a sovereign right of a sovereign State—a right derived neither from the Constitution, nor from any disposition to rebel or revolt, or to resort to any other revolutionary remedy. It is a *State right*—and we are not of that school who . . . look to the federal Constitution for the reserved rights of the States. It is a right indicated by the very act of voluntary entrance into the Union, and was not impaired thereby. It is a right of which the States have not and cannot be deprived, either by the enactments or the prohibitions of the articles of our Constitutional Union. It remains with the State as an essential attribute of sovereignty, of which it never intended, and never did divest itself. And it is as much a right of those States, which did not specially reserve it in the acts by which the Constitution was finally created a law for them, and by them, as far as its delegated powers extended—as by the others which, like Virginia and New York, did in express terms so reserve it. That express reservation would have been universal, had it not been at that day so universally understood as to cause the mention of it to be regarded as superfluous.<sup>85</sup>

The editors of the *Southern Press* were equally vigorous in their defense of slavery, writing on the subject frequently and often at considerable length, but they never collected their sentiments into a single, concise editorial. The basic assumption of their belief was that the Negro was “morally and intellectually” inferior and so “must be subordinate.”<sup>86</sup> Physiologically, too, they contended, the Negro differed from the white man—not “a bone, sinew, or blood vessel” was the same, and “his hair and nerves are found by anatomists, to be altogether unlike those of the white man, as different as are his mind and feelings.”<sup>87</sup> The meeting of “the greatest tribe of the white race, the Anglo-Norman-

<sup>85</sup> *Ibid.*, December 23, 1851. Other editorial discussions of the right of secession appeared in the *Southern Press* on the following dates: October 9, December 2, 1850, February 28, May 3, July 1, August 4, September 1, 29, 1851. The best discussions of slavery appeared on the following dates: July 9, October 23, 1850, February 19, June 3, August 2, 25, September 3, 1851, June 10, 1852.

<sup>86</sup> *Ibid.*, June 10, 1852.

<sup>87</sup> *Ibid.*, January 27, 1852.

Saxon, with the black race, the two peoples highest and lowest in the scale of morality and civilization," was to the editors "one of the most mysterious and pregnant events of destiny." In consequence, "there never has been such progress made in wealth, in population, in civilization, and yet, in liberty and morality, as by these two races respectively, since they met and assumed the relation they now hold." Together they had conquered the wilderness, encouraged commerce and industry, and preserved American institutions, including the "federative system."<sup>88</sup>

The *Southern Press* drew the familiar southern contrast between wage slavery and Negro slavery and reached the familiar southern conclusion: the freedom of industrial workers was "the freedom to starve—to sin—to suffer—to drag out life in one lingering disease," while the freedom of slaves was the freedom to be "sleek[,] comfortable[,] and happy." "Which sight, think you," it asked, "must be most pleasing in the eye of man, or of his great Creator?" In Massachusetts alone, it charged, more than fifty thousand women—three-fourths of the marriageable women of the state—were driven from their homes to work thirteen hours a day among strangers in wretched surroundings. In that one state wage slavery separated more families than did Negro slavery in the entire South.<sup>89</sup> As for free Negroes, the *Southern Press* declared that they belonged in the South, among people who understood them, and not in the North, where their treatment was "inhuman." Northerners, it added, would neither supply the masters' place nor permit the privileges of real freemen.<sup>90</sup> It also opposed colonization abroad, as in Liberia, for it felt that free Negroes could be better protected and more rapidly civilized in the United States.<sup>91</sup>

A new and prophetic theme entered the editorial page of the *Southern Press* early in 1852. The denunciation of the Compromise persisted, as did the defense of slavery and the appeal for southern unity, but now the editors pleaded for the twenty thousand dollars due from sub-

<sup>88</sup> *Ibid.*, December 2, 1850.

<sup>89</sup> *Ibid.*, July 9, October 23, 1850.

<sup>90</sup> *Ibid.*, November 23, 1850, January 6, 1851.

<sup>91</sup> *Ibid.*, February 19, 1851.

scribers<sup>92</sup>—a matter to which they had previously given scant attention. Furthermore, they wanted their lawful share of the public printing. Some of this was in the form of advertising by the executive departments, but the juiciest plum was the printing of the Census Reports. The Secretary of the Treasury and the Attorney General acknowledged the right of the *Southern Press*, under the law, to departmental printing, but the other department heads objected. Fisher called on President Fillmore, who refused to interfere.<sup>93</sup> He thereupon appealed to his friends in Congress to initiate legislation to clarify the earlier law. The point at issue was the calculation of circulation, and the truth seemed to be that the *Union* and the *National Intelligencer* led in both daily and total circulation, but that the *Southern Press* led in the total number of subscribers. The Census printing, with its estimated hundred thousand dollars profit, evoked considerable ink and spleen from the *Southern Press* until a degree of peace was finally brought about by the announcement that the letting of the Census contracts was many months in the future. The abatement of journalistic hostilities, however, in no way improved the balance sheet of the *Southern Press*.

The year 1852 also brought trouble of another kind—the presidential election. Having already failed to unite the South against the Compromise of 1850, the *Southern Press*, called into being by Whigs and Democrats alike and edited by a Whig and a Democrat, must now defend southern rights through a campaign between a Whig and a Democrat. In its first allusion to the selection of nominees, it declared that it would support no candidate who approved of the Compromise, and it expressed the hope that the South would support that candidate who appeared “most worthy,” Whig or Democrat. Again and again it spoke more hopefully than truthfully of the dissolution of the two major parties and called for the political unity of the South. It admitted that the Compromise had divided Southerners, a majority of whom “differed from us.” While its editors regarded the sectional adjustment of 1850 as an act of “plunder and fraud,” they felt that by their opposition to

<sup>92</sup> *Ibid.*, January 27, 1852.

<sup>93</sup> *Ibid.*, January 28, 30, 1852.

it they had absolved themselves from the consequences.<sup>94</sup> They insisted that they had not only refused their approval in the past, but that they would "ever refuse, in any way in which it may be proposed." In early March they reaffirmed that stand and declared that they would support for the presidency the candidate who would do most to preserve "the remnant of Southern interests," adding with some caution that at the moment they believed that their choice would be the Democratic nominee. Later in the month they again appealed for southern unity and implored the South to force the two major parties to compete for southern support or to combine and thus "bring the controversy to a final settlement."<sup>95</sup> A few days later they discussed "Presidential Manoeuvres" to the length of a column and a half, only to dislike Cass, Scott, and Fillmore, the three leading contenders.<sup>96</sup>

The passage of two resolutions by the House of Representatives early in April, both asserting the finality of the Compromise, failed to deter Fisher and De Leon from continued denunciation of that adjustment. Characterizing it as an "utter failure" and a "wretched and incongruous compound, equally offensive to southern rights and northern fanaticism," they declared that the supporters of the Georgia Platform were absolved from any further regard for the Compromise. They saw no hope for anti-Compromise action by Whigs but hinted that Free-Soilers and Southern Rights men might combine in the Democratic party to disavow the measure. A week later, however, they had regained a measure of hope for a southern party based on the Georgia Platform and were denying both unity and common principles to the old national parties, especially the Democratic. A few weeks later, on May 24, they leaned again toward the Democrats but warned that, without a platform and a candidate that Southern Rights men could approve, the party invited disaster.

On May 28 the *Southern Press* must have astonished Washington politicians with its two and a half column editorial on the policy of the paper in the coming campaign. The author, assumed to be Fisher,

<sup>94</sup> *Ibid.*, January 26, 1852.

<sup>95</sup> *Ibid.*, March 4, 30, 1852.

<sup>96</sup> *Ibid.*, April 5, 1852.

first confessed the failure to form a southern party and admitted the absence, outside South Carolina, of organized resistance to the Compromise. "Acquiescence," he added, "is a practical fact," and Southern Rights men must recognize that condition. "*With respect to the Whig party,*" he continued, "the impossibility of any affiliation with it on the part of State Rights men, is a foregone conclusion. . . . It is a Federal party in theory, and a consolidation one in practice." Relations with the Democrats, however, were another matter, and the *Southern Press* would concede a great deal in the interest of party unity; it would consent to the "endorsement" of the Compromise on condition that there be no "laudation" of that measure and no affirmation of its finality. If, then, the Democrats would nominate a candidate "with respect for the rights of the States"—and there were many such men available—party unity could be restored and the election won. The author then declared that it would be good political sense to accept the support of Free-Soil Democrats, for they too disliked the Compromise, although for a wholly different and opposite reason.

Stranger still than the pronouncement of May 28, the nomination of Franklin Pierce by the Democrats in June provoked scarcely a word from the *Southern Press*. Aside from the comment, incidental and casual, on June 29 that "we do not intend to support any of the nominees in this canvass, and care very little about the result," Fisher and De Leon ignored the campaign until July 3. On that date the weeks of editorial abstinence ended with a rhetorical orgy. Each of the editors spoke his mind to the length of nearly two columns, and their minds were not in agreement.

Fisher's editorial began with the admission that the *Southern Press* had refrained from comment on the Democratic convention of a month before. That silence, Fisher continued, arose from his personal inability to accept the platform, a condition which he realized the moment he saw the resolutions. Aware that he differed from the majority of Southern Rights men, he had held his peace while trying to sell the paper to the Southern Rights members of Congress who accepted the platform and for whom he could no longer speak. For himself, he could not be-

long to any party that endorsed the Compromise, and the Democrats had done so. Before the convention, he had "acquiesced reluctantly" in the policy of a reunion of the Democrats, for that seemed the choice of most Southern Rights men. His better judgment, however, told him that the influence of national or "Federal" parties was vicious and their whole intent was "to weaken the cause of the South, by offering federal honors to those who are the least devoted to Southern rights, but who can yet secure Southern votes." The true southern course was to gain power by independent action, as the abolitionists had done. Since the men whom he had presumed to represent had spurned that course, he himself would remain neutral in the campaign. He appealed for the \$36,000 outstanding on subscriptions; and he prayed for southern unity. Slavery, he concluded, would endure until "the moral distinctions of the two races are obliterated," and it would endure in the South "if those who are concerned in it shall so determine."

De Leon wrote in a more personal vein. No serious difference of sentiment had divided the editors in their two years of collaboration; now they disagreed on a matter of policy but not of principle. Fisher preferred to remain neutral in the campaign, but for himself he wished to support Pierce and King. The two had agreed in their faith in an independent party before the Democratic convention, but the party members had overruled them and united. He and he alone had been responsible for that surprising editorial of May 28; in the absence of Fisher he had considered the matter carefully before he wrote, and he still regarded those views as "right and judicious." His conditions were not fully met by the Democrats, and so he refused to accept the platform in full. The candidate, however, was "personally unobjectionable to us on the main issue." He regarded Fisher's "masterly inactivity" as impractical, but he would accord him "the same justice he will award to me, that a strong conviction alone has swayed his course." As proprietor, Fisher had every right to go ahead and publish his views, as "he was anxious, and in fact insisted upon" on the Monday following the convention, but he was "withheld from doing so by my remonstrances and declarations of strong dissent." Together they

had then decided to attempt to avert a conflict with the Southern Rights men in Congress, "at whose invitation we came here, and whose battles we had fought." The offer to sell the *Southern Press* had not yet been accepted. As evidence of his loyalty to the cause, De Leon asserted that he had promptly heeded the call to editorial service in Washington and that he had been "chained to the work—like a galley-slave to his oar—ever since—without relaxation or intermission." His future relations with the *Southern Press* were not yet determined. His anxiety for the South, however, disturbed him more, for he saw "in the future . . . impending perils, more threatening and dangerous than any yet encountered."

Both articles had the tone of valedictories, but in spite of divided counsels and mounting sums due from subscribers the impulse to live persisted. On Monday, August 9, 1852, with Volume III, Number 19, however, the editorial column was headed by that announcement which, with a change of name, has so often punctuated the researches of every student of American newspapers: With this number, the publication of the *Southern Press* ceases.

Both editors presented their sentiments on August 9, as they had done on July 3. Fisher's editorial came first. The main cause of the suspension, he said, was the delinquency of subscribers, now totalling over \$40,000. Even that amount would not indemnify the proprietor, for subscriptions alone never did and never could sustain a paper in Washington. His illusions on that score had been shattered in six months. Denied his lawful share of public printing and proscribed by Congress—his exclusion from the Census printing had become conclusive in early August—and the business interests of the city, he had hoped for compensation through the loyal support of Southerners, but they too had failed. The southern members of Congress who had launched the project had given "assurance that whatever funds might be found necessary, would be forthcoming," but only seven thousand dollars had been contributed and more was "not to be had." His purpose had not been to make money, nor was it to "defend slave property alone, but all property—and to defend the whole system of Southern



society, which he considered the best, the world had yet seen on an extensive scale." When both the Democrats and the Whigs had accepted the Compromise, however, "we knew that all parties were hostile to us." To this submissionism of the South "even South Carolina appears to humble herself."

De Leon's valedictory was briefer. As to the *Southern Press*, "As I sat by its cradle so I have followed its hearse." As for his colleague, he had for him the greatest of respect and kindly feeling—"preference for the Democratic ticket and the success of its nominees comprises the entire difference between myself and my associate." As for the future of the South, for it "the Southern people must provide, and if they are content to be without voice or organ here, in the federal metropolis, theirs must be the responsibility, theirs the peril and theirs the consequence."<sup>97</sup>

The failure of the *Southern Press* fitted into a series of events that in 1852 marked the final collapse of the movement for southern unity that had begun in 1847. In April the South Carolina convention had preferred watchful waiting to immediate and separate action; in early June the Democrats had reunited and endorsed the Compromise of 1850; later in June the Whigs, too, had affirmed the Compromise measures; in August the *Southern Press* died from lack of support; and, finally, in November the Democrats swept to victory under the leadership of Franklin Pierce, only two southern states, Kentucky and Tennessee, failing to support the Democratic ticket, both by narrow margins.<sup>98</sup> With the Union safely through its second great trial, the country turned gratefully to its moment of peace before the Kansas-Nebraska Act and the civil war in Kansas again brought a storm upon the land.

The failure of the movement for southern unity, 1847-1852, must be explained in both political and economic terms. Perhaps first in im-

<sup>97</sup> Two weeks earlier De Leon had declared his esteem for Fisher with more forcefulness than grammar: "If there be in this country a single man, with the exception of John C. Calhoun, who has done more to strengthen the institution of slavery, and vindicate the moral, social and political equality of the South in this Union, that man is Ellwood Fisher." *Ibid.*, June 18, 1852.

<sup>98</sup> Edward Stanwood, *A History of the Presidency*, 2 vols. (Boston, 1928), I, 257.

portance was the sturdy and historic Unionism of southern Whigs and a number of their great leaders. Significant, too, was the defeat of the Wilmot Proviso, for the movement for unity was in its origin a movement for unity in defensive action against that declaration. The Compromise itself, less objectionable than some Southerners had feared, contributed further to the pacification of the South. Another political factor of consequence was the general southern aversion to dictation by South Carolina. Economic considerations carried at least equal weight. Unionist orators in the South pointed out how disunion would injure the established interests of both agriculture and commerce; and they pointed the way to greater prosperity within the Union—curtailment of cotton production, greater diversity in agriculture, and encouragement of home manufactures. In Georgia, Alabama, and Mississippi, the high price of cotton neutralized the disunion sentiment, and “an average sugar crop” did the same for Louisiana; in Missouri and Kentucky commercial ties with the North took precedence over cotton and sugar; in North Carolina and Virginia the prospect of valuable commercial relations with the West was a strong deterrent to disunionism, strengthened in the case of Virginia by the identity of the economic interests of western Virginia and the Ohio valley. Even in South Carolina the co-operationists “demonstrated conclusively” that separate secession would injure the prosperity of the state, especially the commercial interests of Charleston.<sup>99</sup>

The collapse of the *Southern Press* followed naturally from the failure of its attempt to unite the South in vigorous action. Its very effort to achieve that objective, in fact, exposed it to the difficulties that proved its undoing, for it was the devotion of its editors to southern rights that drove them into the hazardous business of espousing a definite course of action. They realized what apparently many Southerners did not—that the effective defense of southern interests implied a line of defense, and that laying the line involved policies as well as sentiments; they understood that southern unity implied a common denominator, the determination of which likewise involved policies.

<sup>99</sup> For a fuller treatment of the economic factors, see Robert R. Russel, *Economic Aspects of Southern Sectionalism, 1840-1861* (Urbana, 1924), 78-88.

It was logically inevitable, therefore, that their newspaper, or any newspaper aspiring to speak for a united South, should function as a mere purveyor of sentiments acceptable to all Southerners, that it should assert a dynamic leadership at a psychological moment and so achieve its purpose, or that it should become the spokesman of an impotent minority. The editors of the *Southern Press* had far too much conviction to content themselves with platitudes; political and economic differences within the South denied the psychological moment, at least for the leadership of the time; consequently, the ambitious journal of Fisher and De Leon became but the mouthpiece of a faction. As such it was soon as deeply engaged in journalistic warfare with southern editors as with northern; and the hope for southern unity was blighted in the house of its friends.

Indeed, southern opposition to the *Southern Press* had appeared on the mere announcement of the project, when on May 18, 1850, a month before the new paper issued its first number, the *Washington Union* revealed annoyance among the signers of the "Address to the People of the Southern States" when it declared that "already some of them have disclaimed the statements contained in the address, which was published in a manner to create the belief that they approved it, when, in fact, they had never seen it." The allusion, of course, was to the maneuver whereby the published address carried with it the names of those members of Congress "who concur in the proposition to establish the Southern organ, as manifested by their subscription to . . . several copies," thus implying their approval of the sentiments of the address. Other criticisms soon followed. In July, 1850, the editors of the *Southern Press* complained that *De Bow's Review* had indulged in "gratuitous and injudicious strictures" on their paper. In August the *New Orleans Bee* accused the *Southern Press* of disunionist sentiments, and in September the *Richmond Times* charged it with "dictating" to southern papers, declared that it was not a valid spokesman of the South, and added that, "considering the gravity of the occasion which called the paper into existence, we must say, that no undertaking ever exhibited a more miserable failure." The *Augusta Chronicle and Sentinel*

denounced Fisher for presuming to be "*par excellence* the organ of Southern feeling and the only reliable advocate of the institutions of the South—so much so, that he dares to brand as traitors and submissionists, the thousands of true-hearted Southern men, who, in the maintenance of their loyalty to the Constitution and Union, repudiate his favorite measure of secession and disunion."<sup>100</sup>

Early in 1851 Fisher's opponent was the editor of the *Mobile Advertiser* and the issues were Fisher's devotion to the South and, in a delightful exchange, his good sense as evinced by his dress. Charging that Fisher's principles were "a tradeable commodity, always in market and for sale to the highest bidder," the *Advertiser* admitted that Fisher was "what the world would call a 'good fellow'—agreeable, amiable, and kind"—"a good writer and a man of talents," but added that "whenver you see a man wearing a drab coat, copperas pants and a white hat *in the winter*, set it down as 'a fixed fact' that there is a 'screw loose' somewhere."<sup>101</sup> In replying, Fisher passed quickly from the aspersions on his loyalty and character to the affront to his costume—"an offense that we cannot pass over lightly, as our taste, as well as our principles and motives, is above his criticism." He proceeded with his brief: "We have an elegant drab *overcoat*—and the color, as well as the cut of it, has been quite the fashion on Pennsylvania Avenue this winter. Our undercoat is a very fine claret, of the darkest, softest, and mildest shade—now rather the worse for wear—but made by the most eminent tailor in the Union, and made to fit a form worthy of all his skill." His hat, he added, was white, as "Nature intends in winter," and, as for his pants being "copperas colored," he recalled that the editor of the *Advertiser* wore green spectacles and, furthermore, that he was really a Yankee. Mobile, he suggested, should import more selectively.

The Richmond *Republican* accused the *Southern Press* of failing to present the true sentiments of Southerners; the *Augusta Chronicle and Sentinel*, in returning to the attack, declared that "no man who values

<sup>100</sup> These comments were reprinted in the *Southern Press*, July 20, August 28, September 16, December 23, 1850.

<sup>101</sup> For this statement and Fisher's reply, see *ibid.*, March 7, 1851.

liberty, the Constitution, and Union, will regret to hear of the waning condition of this treasonable sheet, or fail to rejoice over its early dissolution"; and the Greenville (South Carolina) *Southern Patriot*, after alluding to rumors of the imminent death of the *Southern Press*, added, "the sooner the better, and so perish every attempt to dis sever our blood-cemented and glorious confederacy." The Washington correspondent of the Philadelphia *Ledger*, presuming to speak for Southerners, insisted that "the sensible and patriotic men of the South are heartily tired of the treasonable tirades of the *Southern Press*, and wish it, as far as they are concerned, at the bottom of the sea."<sup>102</sup>

In early 1852 the Washington *Union* added new vigor to its assaults on the *Southern Press*, its foremost business and political rival; perhaps, noting Fisher and De Leon's confession of rising arrearages, it was moving in for the kill. Its persistent theme was the disunionism of the *Southern Press*, "a sentiment sometimes disguised by the expression of a willingness to accept the line of 36 deg. 30 min., or a new guarantee against northern aggression."<sup>103</sup> The *Union* charged that "from the beginning" the *Southern Press* had "endeavored to foment discord and to destroy the old parties, so that new ones might be formed which would tear the Union to pieces," and that the columns of the *Southern Press* had been "the vehicles through which incendiary sentiments, speeches, and resolutions were scattered through the Southern states, in order to inflame southern resentment, and excite the southern people against the Union of the states." Moreover, contended the *Union*, the *Southern Press* was conceived and born in disunionism:

When the *Southern Press* was first established, General Taylor's policy had placed the southern whigs between the upper and the lower millstone[s]. A wide gulf was yawning between the whigs of the slaveholding and of the non-slaveholding states. It was but natural that southern whigs should, under those circumstances, wish to save themselves from the ruin which General Taylor's California recommendation threatened. They found allies among those who wished to break up the democratic organization in order to bring about the dissolution of the Union. The allies succeeded in entrapping upright, honorable, and patriotic men, who were really and truly devoted to southern interests, and

<sup>102</sup> Statements reprinted in *ibid.*, April 2, 1851, and July 3, 1852.

<sup>103</sup> Washington *Union*, January 6, 1852.

who wished to see at the seat of government a journal whose whole time could be devoted to the vindication of southern institutions from unjust charges, and to their defense from wrongful assaults. Thus the *Southern Press* was established.<sup>104</sup>

The *Union* then summed up its view of the sentiments of the two papers in blunt phrases: "The *Southern Press* desires the dissolution of the Union. We wish to preserve the Union!"<sup>105</sup>

These attacks and others failed to disturb Fisher and De Leon.<sup>10</sup> Against their enemies, especially the *Union*, they were always ready to wage offensive war. They probed the weakness of the opposition with considerable dexterity, and they reiterated, emphasized, and elaborated their convictions with untiring zeal. Some of the assaults upon them they reprinted without comment, others they dismissed as the mumblings of "submissionists," while still others they distinguished by replies. On one occasion the *Southern Press* responded to the denunciations of "Southern ultra-submissionists" by asserting that "their escape from the righteous indignation of a people they have aided to blind and deceive, depends on a *suppression of the truth*, by hiding from the public eye the damning evidences of their own treachery and desertion of duty as public sentinels—and hence the resort to this desperate attempt of appealing to the prejudices and passions of the more ignorant among their partisans."<sup>107</sup> Commonly, Fisher and De Leon used strong language, but little invective; they repeatedly affirmed their allegiance to the South, paraded the delinquency in subscription accounts as evidence of their devotion, and reprinted letters from sympathetic readers and journals. They declared that they "may be presumed to speak generally the sentiments of a large body of subscribers," a presumption sustained by Albert G. Brown, of Mississippi, on

<sup>104</sup> *Ibid.*, January 18, 1852.

<sup>105</sup> *Ibid.*, January 23, 1852.

<sup>106</sup> Apparently the *Southern Press* figured in the debates in Congress on very few occasions. On July 2, 1850, Senator William C. Dawson, a Georgia Whig, moved that the editors of the *Southern Press* be granted the privileges of the floor of the Senate. The motion was laid over and taken up on July 18, when it was tabled after discussion had revealed that Senate privileges were open only to editors having official relations with the government. *Congressional Globe*, 31 Cong., 1 Sess., 1329, 1409.

<sup>107</sup> *Southern Press*, February 8, 1851.

the floor of the House of Representatives.<sup>108</sup> On many occasions, they named southern journals whose stand on sectional issues they approved, and at times they reprinted commendations from southern journalists, as, for instance, the following from John Forsyth, editor of the Columbus (Georgia) *Times*:

The editors of the [*Southern*] *Press* . . . [have] ably and fearlessly performed the duties and executed the trust confined to them and their friends. . . . I am sorry to see that some Southern Rights men in Congress have not stood by these men with the devotion and unflinching fidelity with which they have stood by the rights of the South. . . . [The *Southern Press*] has done incalculable good to the Southern cause.<sup>109</sup>

Proof of the anomalous position of the *Southern Press* appeared on March 4, 1851, in a letter from Jeremiah Morton and in Fisher's reply. Morton, a Whig representing the Alexandria district of Virginia in Congress, had shared in launching the *Southern Press* by signing the "Address to the People of the Southern States." Since then he had favored the Compromise bills and rejoiced in their passage. Now he expressed the opinion that the committee of four appointed to choose editors had made an "unfortunate selection," and he went on to say that "many" of the signers "in a short time after the *Southern Press* got under way, condemned its course," forcing the paper to cease its regular publication of their endorsement on pain of "open renunciation." Specifically, he continued, "the battery of that press has been constantly directed, with all its *sarcasm, ridicule and argument*, against the friends and supporters of the 'adjustment measures.' They are tauntingly called 'submissionists'." Fisher replied with impressive figures: the *Southern Press* had agreed with three of the four members of the committee in all their votes on the Compromise measures and with a majority of

<sup>108</sup> *Ibid.*, April 28, 1852; *Congressional Globe*, 32 Cong., 1 Sess., 301 (April 14, 1852).

<sup>109</sup> Reprinted in *Southern Press*, May 18, 1852. Forsyth was the son of John Forsyth (1780-1841), southern Unionist, governor of Georgia, United States senator, and secretary of state under Jackson and Van Buren. A southern account says of the younger Forsyth that he is "justly regarded as the most brilliant journalist the South has produced." Edwin A. Alderman and Joel C. Harris (eds.), *Library of Southern Literature*, 16 vols. (Atlanta, 1907), VIII, 471.

the signers in all their votes, making "one of the most remarkable cases of union and harmony on record."<sup>110</sup>

The obvious possibility of the failure of the *Southern Press* to become the acknowledged spokesman of a militant South suggests that some of its backers felt that the prospects of success warranted the effort; it suggests, too, that other backers expected good to come from the venture even though the South should fail to unite in any program of action, and that still others hoped for unity in a moderate policy. Indeed, later events clearly showed that some of the sponsors, as, for instance, Robert Toombs, Alexander H. Stephens, and Jeremiah Morton, preferred southern unity in acceptance of the Compromise of 1850. That the *Southern Press* could thus mean all things to all people was due to the vagueness in the statement of its purpose, for the "Address to the People of the Southern States" failed completely to chart for the editors a course whereby they could do anything more than generalize in defense of southern institutions without imperiling that unity which they were engaged to promote.

The specific injunctions to the editors were three in number: defend the South and southern institutions; be nonpartisan; and provide the means whereby southern men can "communicate with the world, or with each other, upon their own peculiar interests." All of these instructions were ambiguous and consequently troublesome. To begin with, what was meant by "the support and defence of Southern interests"? It is incredible that a group of veteran politicians could believe that a newspaper could win any prestige as a spokesman for the South through the mere reiteration of sentiments already held by all Southerners, but apparently some of the signers of the address believed just that. It is equally incredible that other backers could believe that the *Southern Press* could persuade Southerners to accept a more or less definite program of action when the sponsors themselves could not possibly have agreed upon one, and when, in fact, they soon fell to quarreling among themselves. The address, largely given to an assertion of the extent of the South's interest in slavery and to the need of a

<sup>110</sup> Both letters appear in *Southern Press*, March 4, 1851.



southern organ in the Capital, entirely neglected to indicate just what constituted a threat to southern interests, or just what positions were to be defended, or by what means, or at what price. The historian can only conclude that the founders of the *Southern Press* knew very well the limits of their own agreement.

The charge to the editors to be nonpartisan may have been less indefinite in its meaning, but it was even more difficult to observe. The matter must have given the committee some concern, for three times the address gave assurance that existing party ties were not to be disturbed, and, in concluding, it imposed upon the committee the obligation of seeing that the paper was "conducted without *opposition* and without *reference* to the political parties of the day." The address itself, the attempt of the southern wings of two national parties to foster southern unity, was certainly an assertion of the precedence of sectional over party councils; and newspaper editors were equally illogical when they sought to establish the priority of intra-sectional ties without offense to national parties. The experience of the *Southern Press*—and of the whole movement for southern unity—confirmed the early judgment of the *Savannah Georgian* that it was "worse than idle to expect a union in the South upon the question of slavery, disconnected with politics."<sup>111</sup>

If the third injunction of the address was meant to suggest that the new paper was to serve primarily as a clearing house or forum wherein Southerners were to pool their ideas for the defense of southern interests, then aggressive editorial leadership was not contemplated and the *Southern Press* was to be cast in a passive role. Fisher and De Leon, as their backers should have known, were too virile for mere passivity; they rejected this interpretation and sought instead to chart the way to southern unity in vigorous action, thereby driving into opposition those sponsors who preferred unity in inaction or in spirited programs of their own devising.

Despite the virtual impossibility of its assignment, whatever it was, the *Southern Press* began its work with some assets and perhaps made

<sup>111</sup> *Washington Union*, May 26, 1850, quoting the *Savannah Georgian* of May 20, 1850.

some contributions to the defense of the South. Originally, it was supported by a majority of southern senators and representatives, including about three-fourths of the better-known Southerners then in Congress; the place that it was designed to fill was not seriously claimed by any other journal; its editors were youthful, energetic, devoted; its senior editor had the means and the willingness to sustain an operating deficit over a considerable period of time. The results of the venture are impossible to measure with any appreciable confidence. It may have disabused the minds of some men as to the non-political defense of southern interests; it certainly inspired some journals to a still more vigorous defense of southern rights, but, conversely, its own extremism evoked many protestations of southern Unionism; and, on the authority of the *Washington Union*, it stimulated into existence State Rights associations "in many portions of the South."<sup>112</sup> It may be doubted that it won any converts for the right of slaveholding, but it may have achieved more success for the right of secession, for that doctrine was still rejected by many Southerners in 1850.

While the success of the *Southern Press* was virtually precluded by the anomaly of its position, its possible effectiveness may have been impaired by personal qualities of Fisher and De Leon. There was no doubt of their devotion to the South and to slavery, or of their willingness to abandon their own party ties in the interest of southern unity. When the break came between them, Fisher, the Democrat, wished to forsake both old parties in an effort to form a southern party, or many local parties, while De Leon, the Whig, wished to collaborate with the Democratic party. Until the time of their disagreement, the *Southern Press* had scorned both major parties, perhaps in a sincere effort to observe the nonpartisan injunction of the sponsors. The willingness of the editors to repudiate their party affiliations, however, did not lead to a like generosity in other matters. On the contrary, the tone of the *Southern Press* was not calculated to promote good will. Never persuasive, never conciliatory, but always dogmatic, self-righteous, belligerent, it invited damning by being quick to damn. It insisted on the

<sup>112</sup> *Ibid.*, January 25, 1852.

last ounce of its right to formulate policies and to defend them to the final detail. Never content with going with its fellows in the same direction, it demanded the lock step all the way. When most of the anti-Compromise men of 1850 moved slowly but surely into the Compromise camp, the *Southern Press* remained but the snarling mouthpiece of the dissenters. It may have been "right," but it was no proper spokesman for a people who had determined to try yet a little longer for security within the Union.

The dogmatism and querulousness of the *Southern Press*, however, do not convict it of the rather vague charge of "disunionism." On that point, the judgment of many of its contemporaries and of a few later historians is not supported by the evidence. Nothing in the whole file of the *Southern Press* sustains a charge of "avowed disunionism." Furthermore, even the charge of disunionism *per se* must rest upon mere suspicion, and it must reject entirely the professions of first allegiance to "the Union, with justice." Admittedly, the Unionism of Fisher and De Leon was qualified, too much so for most Southerners of their time, but, if we may believe their editorials, their disunionism was also qualified. Their belief in the right of secession was wholly beside the point. If, on occasion, they felt that the time was at hand when the South should defend her rights with the sword, even then they stood no more convicted of disunionism *per se* than did Robert E. Lee a few years later. Contrary to the charge of the *Albany Atlas*, they were not "daily occupied" with picturing the glory and power of a southern confederacy;<sup>113</sup> instead, the invariable subject of their discourses was southern action within the Union and not the desirability of getting out of the Union. Their constant plea to the South was: Unite and resist, and your wrongs will be righted within the Union; if not, then secede. Conceivably, of course, they may have spoken from expediency, disguising their ambitions for an independent South in well-nigh impossible demands. On the other hand, it is just as fair to assume that,

<sup>113</sup> Reprinted in *Southern Press*, August 9, 1850. The *Southern Press* replied that it had not given a line to the subject, and, except for a very few controversial passages (November 20, 1850, for instance), it was entitled to the same defense for the whole of its life.

despite all their thunder and lightning, they spoke with the utmost sincerity when they declared that the Union, "justly administered," would be "the highest achievement of human nature."<sup>114</sup>

The failure of the *Southern Press* as a business enterprise may be explained largely by its unwillingness to follow the admonition of the committee's address to "look to the South for the tone which is to pervade it." As a left-center, pro-southern Democratic organ it would doubtless have received a share of the public printing; it would have been spared proscription by Washington businessmen; and it might have attained its goal of fifty thousand subscribers. There were other contributing factors. The delinquency in accounts, virtually universal in those days, was certainly increased by the great preponderance of non-local readers. Perhaps the business office was not otherwise efficient. Some features of editorial policy must have forestalled subscriptions: the increasing scarcity of news, the absence of financial reports, the dearth of literary articles, lukewarmness toward industrialization, opposition to colonization, the defense of free Negroes, and the persistent scolding of the South. While Fisher may have had the personal resources to operate with a deficit for twenty years, as he claimed,<sup>115</sup> he was too good a businessman actually to do it; moreover, he was wise enough to see that, for the time being at least, he was fighting for a lost cause.

The erstwhile journalistic spokesman of the South has escaped historical oblivion by scarcely more than the garrulity of an old man. Thomas Hart Benton, veteran of thirty years in the Senate but transformed into a retired politician by the choice of his constituents, offered his appraisal of the *Southern Press* in his reminiscent *Thirty Years' View*, published in 1856. In speaking of "Disunion Movements," he wrote:

An organ of disunion, entitled "The Southern Press," was set up at Washington, established upon a contribution of \$30,000 from the signers to the Southern manifesto, and their ardent adherents—its daily occupation to inculcate the advantages of disunion, to promote it by inflaming the South against the North,

<sup>114</sup> *Ibid.*, July 26, 1850.

<sup>115</sup> *Ibid.*, April 13, 1852.

and to prepare it by organizing a Southern concert of action. Southern cities were to recover their colonial superiority in a state of sectional independence; the ships of all nations were to crowd their ports to carry off their rich staples, and bring back ample returns; Great Britain was to be the ally of the new "United States South;" all the slave States were expected to join, but the new confederacy to begin with the South Atlantic States, or even a part of them; and military preparation was to be made to maintain by force what a Southern convention should decree.<sup>116</sup>

Benton was mistaken in fixing contributions to the *Southern Press* at \$30,000, for Fisher, in the closing number of his paper, had declared that friends in South Carolina had early contributed \$7,000 and that no other gifts had ever been received. Other sums, promised, never came to hand. Benton's charge of disunionism *per se* must stand as only the interpretation of a staunch Unionist, insusceptible of proof from the files of the paper itself. Most historians who have alluded to the *Southern Press*, however, have either accepted Benton's view, with citations to him, or, in speaking of the paper as being established to represent the secessionists, they have confused original purpose with unfriendly characterization of later policy.<sup>117</sup>

Ellwood Fisher survived the *Southern Press* by a little more than ten years. Apparently he continued to live in Washington, for Edmund

<sup>116</sup> Thomas Hart Benton, *Thirty Years' View*, 2 vols. (New York, 1856), II, 781.

<sup>117</sup> Joseph W. Keifer, *Slavery and Four Years of War*, 2 vols. (New York, 1900), I, 76; Shryock, *Georgia and the Union*, 284; Dwight L. Dumond (ed.), *Letters of James Gillespie Birney, 1831-1857*, 2 vols. (New York, 1938), II, 721-22. *Appletons' Annual Cyclopaedia*, II (1863), 676, says that secession was the "avowed object" of the *Southern Press*, and Drake (ed.), *Dictionary of American Biography*, 325, repeats this assertion, with acknowledgments. Dumond also relies on *Appletons'*, which itself cites no authority. It should be noted that Benton (*loc. cit.*) antedates *Appletons'*. The *Atlanta Southern Confederacy* (October 7, 1862) says that for thirty years Fisher had advocated secession; but, it may be repeated, the assertion appears to be wholly without the support of any direct evidence. A contemporary source describes the *Southern Press* correctly in saying that it was established for "the express purpose of advocating the interests of slavery." *Harper's Magazine* (New York, 1850- ), I (1850), 275. Arthur C. Cole is also correct when he speaks of it as "the special organ which Southerners had set up as their mouthpiece at Washington." *The Irrepressible Conflict, 1850-1865* (New York, 1934), 64. Elsewhere, Professor Cole writes of it as being founded "to represent the interests of the South in a fairer way." *The Whig Party in the South* (Washington, 1913), 164n. Jesse T. Carpenter, citing Ulrich B. Phillips' *Life of Robert Toombs* (New York, 1913), properly describes the projected journal as being established "to promote Southern interests and to unify Southern opinion." *The South as a Conscious Minority, 1789-1861* (New York, 1930), 187.

Ruffin tells in his diary of visits to Fisher's home there in 1857. Ruffin describes the conversation of the former editor as "lively, amusing and instructive," and he speaks of Fisher's wife as "a woman of fine appearance, and very intelligent and agreeable in conversation."<sup>118</sup> Late in 1860 or early in 1861 Fisher went to Nashville, where he reportedly did everything in his power to promote the secession of Tennessee. On the occupation of Nashville by Federal troops he retired to Atlanta, Georgia, where he died on October 6, 1862, on his fifty-fourth birthday.<sup>119</sup>

Edwin De Leon, on the other hand, had not yet reached the midpoint of his allotted years. According to some accounts, not altogether convincing, he founded another Washington newspaper, the *National Democrat*, soon after the collapse of the *Southern Press*.<sup>120</sup> In 1854 he was appointed by President Pierce to be consul general and diplomatic agent to Egypt and her dependencies. During his service at this post he was publicly thanked by Congress for his vigorous defense of American rights, and he was acclaimed for his protection of the Greeks of Alexandria against the Sultan. He resigned on the outbreak of war in the United States, and in 1862 was sent by the Confederacy to France to superintend propaganda activities in both France and England.<sup>121</sup>

<sup>118</sup> "Extracts from the Diary of Edmund Ruffin," in *William and Mary College Quarterly Historical Magazine* (Williamsburg, 1892- ), Ser. I, Vol. XXIII (1915), 252, 256-57.

<sup>119</sup> *Appletons' Annual Cyclopaedia*, II (1863), 676. This account says that Fisher was born on October 1, 1808, and died on October 1, 1862. Drake (ed.), *Dictionary of American Biography*, 325, repeats these dates, but with acknowledgments to *Appletons'*. Two Atlanta newspapers, the *Southern Confederacy*, October 7, 1862, and the *Daily Intelligencer*, October 7, 1862, say that Fisher died on October 6, on his fifty-fourth birthday. Presumably, these two on-the-spot accounts are more trustworthy and his terminal dates were October 6. For sources of other information of Fisher, see footnote 23, above.

<sup>120</sup> Gregory (ed.), *Union List of Newspapers*, does not list a *National Democrat* for Washington, D. C.

<sup>121</sup> While still occupying his Egyptian post, De Leon was nominated as honorary vice-president of the Institut d'Afrique of Paris, a society founded in 1838 for "the abolition of the slave trade and slavery"! With perfect courtesy he declined the "honor" as "incompatible with my principles and opinions." De Leon, *Three Letters*, 5-7. His diplomatic services for the Confederacy are discussed in Frank L. Owsley, *King Cotton Diplomacy* (Chicago, 1931), *passim*. David C. De Leon, surgeon general of the Confederacy, and Thomas C. De Leon, noted author, were his brothers. For the sources of other information on De Leon, see footnote 39, above.

Regarded as a "distinguished journalist" and a close friend of Jefferson Davis, a great deal was expected of him, but he soon blundered rather badly and became involved in a feud with John Slidell. For his indiscretions he was abruptly dismissed by Secretary Judah P. Benjamin in December, 1863, but not before he had spent his personal fortune and run the blockade seven times. During the remainder of his life he lived much of the time in Europe, chiefly in London. He retained his interest in the South, however, and in 1873 visited the southern states to study their condition and "prospective prospects." In a series of articles in *Harper's Magazine* he presented views on "The New South" that bring to mind Henry W. Grady of the next decade.<sup>122</sup> He also retained his interest in Egypt, writing several books on Egyptian subjects and in 1881 establishing a system of telephones in the principal Egyptian cities. He counted Thackeray, Dickens, Tennyson, Hawthorne, and several European rulers among his close friends; and he wrote a volume of reminiscences of the distinguished men whom he had met. His *Khedive's Egypt* reached ten editions by 1891, and it was further honored by frequent reference in Parliament and by adoption for the libraries of the British Admiralty. During the last ten years of his life he earned his living by writing for various periodicals. He died on December 1, 1891, in New York City, where he had come to arrange a lecture tour of the southern states.

<sup>122</sup> *Harper's Magazine*, XLVIII (1873-1874), 270-80, 406-22; XLIX (1874), 555-68.

# Patents and Copyrights in the Republic of Texas

BY ANDREW FOREST MUIR

The establishment of the Republic of Texas in 1836 with a form of government which represented an adaptation of the functions of both the national and the state governments in the United States brought to a group of frontier legislators, whose capacity and experience were tuned to the level of state affairs, the necessity of attempting to deal with numerous matters which had belonged to the sphere of national government in the country which they had left. Of the men who framed the Texas constitution or served in the various Congresses of the Republic, only a few had had experience in national affairs in the United States. Many had sat in state legislatures, however, and most of them probably regarded themselves more as state than as national legislators. Their first attention to broader issues was rightly directed toward such problems as national defense, finance, public lands, and organic law, and as a result such minor matters as patents and copyrights were easily neglected.

The preliminary draft of the proposed constitution, which was presented to the convention at Washington-on-the-Brazos on March 9, 1836, contained no mention of powers to grant charters, patents, or copyrights; but this oversight was remedied when on March 15 the delegates voted to add to the section on post offices and post roads (Article II, Section 3) a provision that the Congress should have power "to grant charters of incorporation, and to grant patents and copy rights."<sup>1</sup> As this section appeared in the final draft, it read: "[Congress

<sup>1</sup> H. P. N. Gammel (ed.), *The Laws of Texas, 1822-1897*, 10 vols. (Austin, 1898), I, 862, 898.



shall have power] To establish post offices and post roads, to grant charters of incorporation, patents and copy rights, and secure to the authors and inventors the exclusive use thereof for a limited time."<sup>2</sup> In this form it, along with the rest of the constitution, was approved by the voters on September 5, 1836; but three years were to elapse before the Congress made any provision for patents and copyrights.

An interest in Texas patents was manifested, nevertheless, as early as June, 1836, when William Fairfax Gray agreed with one January to obtain the passage of a patent law in Texas and to register, under its provisions, a cotton and tobacco press invented by January and his partner.<sup>3</sup> Whatever Gray's activities, no patent law was enacted at that time, and other requests for patents continued to be presented to the government long before there was any legislation on the subject. Less than three months after the inauguration of President Sam Houston, Alexander Plantou, of Philadelphia, Pennsylvania, petitioned the secretary of state for letters patent on "an improvement in the Construction of Rail Ways navigating Canals with the power of steam without injury [to] the Banks and Shallow Streams . . . without the Necessity of making them deeper" and on "an improvement in the Construction of Rail Roads as well as that of Cars."<sup>4</sup>

In November, 1837, Secretary of State Robert A. Irion recommended in his annual report that Congress provide means for the registration of patents and copyrights,<sup>5</sup> but again no immediate action was taken. The Senate of the Adjourned Session of the Second Congress, which

<sup>2</sup> *Ibid.*, I, 1072.

<sup>3</sup> A. C. Gray (ed.), *From Virginia to Texas, 1835, Diary of Col. Wm. F. Gray, Giving Details of His Journey to Texas and Return in 1835-1836 and Second Journey to Texas in 1837* (Houston, 1909), 187, 188.

<sup>4</sup> Plantou to Secretary of State, January 6, 1837, in Domestic Correspondence of the Secretary of State (Archives, Texas State Library, Austin). See also William H. Wharton to Stephen F. Austin, January 6, 1837, in George P. Garrison (ed.), *Diplomatic Correspondence of the Republic of Texas*, 3 vols. (Vol. I in American Historical Association, *Annual Report*, 1907, II; Vols. II and III, *ibid.*, 1908, II, 2 pts., Washington, 1908-1911), I, 172. On June 3, 1837, the United States Patent Office granted letters patent to Gustavus Plantou, administrator of Alexander Plantou, deceased, on a railroad car. *Report of the Commissioner of Patents in Relation to the Operations of that Office During the Year 1837* (Sen. Docs., 25 Cong., 2 Sess., No. 105), 15. Hereinafter cited as *Patent Report*, 1837.

<sup>5</sup> Irion to Sam Houston, November 20, 1837, in Domestic Correspondence; recorded in Letter Books of the Department of State (Archives, Texas State Library), I, 65-66.

met from April 9 to May 24, 1838, deliberated upon one special bill relating to copyrights and upon three bills relating to patents, one general and two special. J. Worster, on April 19, 1838, petitioned the President and Congress for "uninterrupted access" to the General Land Office, the exclusive rights to the returns of the county surveyors, and an appropriation to facilitate his compilation of a map of Texas, which he was prepared to print from a copper plate forty-eight by forty inches, with margins, on paper similar to that used for Mitchell's map of the United States, colored, backed, mounted, and varnished.<sup>6</sup> George W. Barnett presented the petition to the Senate on April 23, and Robert Wilson successfully moved that it be referred to the judiciary committee.<sup>7</sup> On April 27, that committee reported a bill authorizing Worster's access to the land office and granting him exclusive rights of sale (a copyright) within the Republic for five years after the date a copy of the map should be placed in the office of the commissioner of the General Land Office. The bill was read a second time on the following day and passed on April 30.<sup>8</sup> It was taken up in the House on May 3, and four days later Thomas J. Rusk "moved its reference to the committee on internal improvements," but the motion was lost. A motion to refer it to the committee on county boundaries was also lost, and after further discussion a motion for indefinite postponement was carried.<sup>9</sup>

On April 27, 1838, Freeman Wilkison, of Lynchburg, Harrisburg County, a veteran of the battle of San Jacinto, petitioned for a patent on "a Machine used for making Bricks, on the most economical and

<sup>6</sup> Petition of Worster, in Memorials and Petitions (Archives, Texas State Library).

<sup>7</sup> *Journals of the Senate of the Republic of Texas, Adjourned Session, Second Congress* (Houston, 1838), 18. Hereinafter cited as *Senate Journal*, 2 Cong., Adj. Sess. Wilson himself was an inventor. On May 30, 1848, the United States Patent Office issued to James T. D. Wilson, son and assignee of Robert Wilson, a patent on "Brick machines." *Annual Report of the Commissioner of Patents, for the Year 1848* (House Exec. Docs., 30 Cong., 2 Sess., No. 59), 847, 1001. It is possible that Wilson's machine was an improvement of the one on which Freeman Wilkison had requested a patent in 1838 (See below). Wilkison had died in 1839.

<sup>8</sup> Congressional Papers, 2 Cong., Adj. Sess., No. 929 (Archives, Texas State Library); *Senate Journal*, 2 Cong., Adj. Sess., 26, 30, 34.

<sup>9</sup> *Journal of the House of Representatives of the Republic of Texas, Second Congress, Adjourned Session* (Houston, 1838), 80, 84.

expeditious principle ever Invented."<sup>10</sup> On the same day, Senator Wilson presented the petition and moved that it be referred to a select committee. Upon the adoption of this motion, the chair appointed a committee of three, of which Wilson became chairman, and on April 30 the committee reported a resolution instructing the secretary of state to issue a patent for ten years to Wilkison upon his depositing a model in the office of the State Department.<sup>11</sup> After passing the bill to third reading and ordering it engrossed, the Senate voted, on May 10, to table it indefinitely.<sup>12</sup>

Undaunted by this failure, Wilson introduced a bill on May 12 to establish a patent office.<sup>13</sup> This bill was a carefully constructed authorization to establish the patent office as a division of the State Department, with its own official seal, and under a commissioner of patents, who was to be appointed by the President with the advice and consent of the Senate. Patent rights should run for fourteen years. Applications for patents must include a description, a model, drawings, an affidavit that the applicant was the inventor or discoverer of the device to be patented, and a fee of \$30 if he were a citizen or of \$500 if he were not. The commissioner should examine the application, and if he rejected it the applicant could request the secretary of state to appoint a board of three disinterested persons, "one of whom at least shall if practicable be well skilled in the particular art, or branch of science to which the alleged invention or discovery appertains." This board was to weigh the applicant's request, and if it reversed the commissioner's decision, he was required to issue the patent.<sup>14</sup> On May 15 the bill was read a second time, and on the following day a motion to table it until the next session was rejected by a vote of six to five; but an at-

<sup>10</sup> Petition of Wilkison, in Congressional Papers, 2 Cong., Adj. Sess., No. 931.

<sup>11</sup> *Senate Journal*, 2 Cong., Adj. Sess., 26. The committee report and the proposed "Bill for granting a Patent for a Brick Machine to Freeman Wilkinson" are in Congressional Papers, 2 Cong., Adj. Sess., No. 931.

<sup>12</sup> *Senate Journal*, 2 Cong., Adj. Sess., 32, 36, 55.

<sup>13</sup> *Ibid.*, 65.

<sup>14</sup> "An Act to Establish a patent office," in Congressional Papers, 2 Cong., Adj. Sess., No. 968.

tempt to obtain final passage later in the same day failed by a tie vote of six to six.<sup>15</sup>

The failure of this effort to obtain general legislation did not stop the consideration of individual applications, however, and on May 23, Albert C. Horton introduced in the Senate a joint resolution instructing the secretary of state to issue a patent to Elijah S. Curtis, of Boston, Massachusetts, on "an improvement in mills for grinding corn and other substances." On Horton's motion the rules were suspended and the resolution read a second time. Wilson then moved that it be laid on the table until the next session of Congress, and his motion passed.<sup>16</sup>

This session adjourned without passing any legislation concerning patents, but in the following August Secretary of State Irion informed C. Tompkins,<sup>17</sup> of Washington County, that he presumed it would act upon the matter at the next session, beginning in November.<sup>18</sup> The editor of the *Matagorda Bulletin* complained that the Second Congress had failed to give the subject "the attention that was due it" and asserted that it was one of great importance to Texas:

We are much in want of these labor-saving machines, which have contributed so much to the prosperity of other countries, both on account of the high price of labor and scarcity of laborers in Texas, and on account of the necessity which exists here of having every thing done with the greatest possible dispatch, and with the least expense, in order to enable us to compete successfully with other countries, who enjoy far greater advantages than we do on account of the perfection of the mechanic arts among them, it will be in vain for us to expect foreigners to come here and introduce their inventions, unless we afford them protection. Our country is yet too young, and our citizens too much engaged in

<sup>15</sup> *Senate Journal*, 2 Cong., Adj. Sess., 72, 77.

<sup>16</sup> *Ibid.*, 98; "A Bill authorizing a Patent to be given to Elijah S. Curtis, for his improvement in Mills," in *Congressional Papers*, 2 Cong., Adj. Sess., No. 1000. Curtis had obtained a patent on this device from the United States Patent Office on November 23, 1837. *Patent Report*, 1837, 18.

<sup>17</sup> This may have been the Caleb Tompkins who, while a resident of Montgomery, Alabama, obtained from the United States Patent Office patents on three inventions: "Steam engines rotary and boiler," November 30, 1830; "Lever engine, or combination of levers" and "Lever, rotary engine," November 14, 1834. *A List of Patents Granted by the United States from April 10, 1790, to December 31, 1836* (Washington, 1872), 444, 661. Hereinafter cited as *List of Patents, 1790-1836*.

<sup>18</sup> Irion to Tompkins, August 2, 1838, in *Domestic Correspondence*; recorded in *Letter Books*, I, 43.

other pursuits to expect much from them in the way of invention or improvement.<sup>19</sup>

He then proceeded to suggest that Congress authorize the secretary of state to grant patents to those who held patents in the United States, stating that by recourse to this arrangement the Republic would have the benefit of the improvements without the "great expense and trouble" to which the United States Patent Office went in investigating applications.

In the autumn of 1838, three inventors in the United States applied to Mirabeau B. Lamar, the newly-elected president of the Republic, for letters patent on their inventions. Thomas C. McKeen, of Columbus, Georgia, wished to patent a device for "raising sunken vessels & elevating them over bars & shallow water," and explained that "this result is accomplished by the use of Indian rubber bag made of cotton canvas coated with the gum and made impervious to air or water placed in a collapsed state under the side of a vessel & air is pumped into them through tubes attached to the buoys or bag from a condenser or force pump."<sup>20</sup> Ira Van Nortwick, of Decatur, Alabama, informed Lamar that he wished "to place in the hands of your soldiers, an instrument, which at a comparatively small expense of blood & treasure, will enable a small army to cut off, wherever it may reach a foe, whether in the Indian country around you, or, in the Capitol of Mexico, every enemy to the *Star of Texas*." This device, on which he desired to obtain a patent in Texas, was a small firearm "that will discharge *sixty bullets per minute*, with as perfect safety, precision & force as the common rifle, & only requires *two motions* of the right hand at each discharge." He proposed to give the government of Texas the right of making the weapon and using it in the army, "leaving to myself the privilege of making & vending them among the citizens of the country."<sup>21</sup> The third correspondent, Thomas Taylor, of Philadelphia, wished a patent on "a newly invented machine for making Brick."<sup>22</sup>

<sup>19</sup> Matagorda *Bulletin*, October 18, 1838.

<sup>20</sup> McKeen to Lamar, November 1, 1838, in Charles A. Gulick and others (eds.), *The Papers of Mirabeau Buonaparte Lamar*, 6 vols. (Austin, 1920-1927), II, 273.

<sup>21</sup> Van Nortwick to Lamar, December 7, 1838, *ibid.*, II, 312-13.

<sup>22</sup> Taylor to Lamar, December 21, 1838, *ibid.*, II, 342-43.

No action seems to have been taken upon any of these three requests, nor upon a far more significant gesture of Samuel F. B. Morse, which was brought to Lamar's attention at about the same time by Memucan Hunt, former Texan minister to the United States. Hunt wrote that he was transmitting copies of correspondence between Morse and himself in which Morse had "tendered the perpetual use of his Electro Magnetic Telegraph" to the Republic of Texas. He enclosed also an original letter from Morse, accompanied by a drawing of the telegraph instrument, "with a request that they be placed for the present in the secret archives of the Nation."<sup>23</sup> These enclosures seem to have been filed away either so carefully or so carelessly that only the covering letter can now be found, and there is no evidence that an official acknowledgment of Morse's offer was ever made. Whether he requested a patent in Texas cannot be determined,<sup>24</sup> but it is certain that no such patent was ever granted to him.

Meanwhile, the Third Congress of the Republic began to give more serious consideration to the need for a general law dealing with patents and copyrights. On November 29, 1838, Isaac Parker presented in the House of Representatives "a resolution requiring the committee on internal improvements to report to this House, on the propriety of establishing a Patent Office," and the House adopted the resolution.<sup>25</sup> The committee reported a bill on December 15, which was passed without change by the House on January 2, 1839.<sup>26</sup> The Senate received the bill on January 7, and four days later referred it to a special commit-

<sup>23</sup> Hunt to Lamar, April 27, 1839, *ibid.*, II, 546. Hunt stated that the offer was made during his residence in Washington as minister from Texas, which would place it at some time between February, 1837, and April, 1838.

<sup>24</sup> Ashbel Smith, writing in 1853, stated that Morse granted the telegraph to the Republic without expecting from it any compensation. Smith to Editors of the *Austin Texas State Gazette*, February 7, 1853, in *Marshall Texas Republican*, March 5, 1853. In 1860 Morse went through the form of withdrawing his offer, with the explanation that because of the patent which he had received in the United States "it has become for the public interest as well as my own that I should be able to make complete title to the whole invention in the United States." Morse to Sam Houston, August 9, 1860, in *Governors' Letters* (Archives, Texas State Library).

<sup>25</sup> *Journal of the House of Representatives of the Republic of Texas, Regular Session of Third Congress* (Houston, 1839), 112.

<sup>26</sup> *Ibid.*, 150, 246, 255.

tee,<sup>27</sup> which returned it on January 14 with proposed amendments, adding provisions for copyrighting verbal matter and providing that the patent office should be a bureau of the Department of State.<sup>28</sup> The amended bill was passed by the Senate on January 22,<sup>29</sup> and after a conference committee of the two houses had agreed upon the Senate changes President Lamar signed the measure on January 28.

This statute, entitled "An Act Securing Patent Rights to Inventors," specified that any citizen of Texas or any alien who had legally declared his intention of becoming a citizen "may by application to the Secretary of State, secure a patent right for any new and useful art, machine, instrument or composition of matter, liberal arts, sciences or literature, books, maps or charts, or any new and useful improvement of the same which he may have invented or discovered." The applicant was required to pay a fee of \$30; to deposit "a description, model or drawing . . . and also full written instructions as to the most suitable materials, manner of constructing, and rendering useful such improvement"; and to make affidavit before the secretary of state that the object to be patented was original with him and beneficial to the community. The patent right should run for fourteen years, provided the patentee or his agent remained within the Republic. It was also specified that any patent which might be obtained "for any improvement or discovery which may be or have been previously in use in this or any other country longer than two years" would be "wholly invalidated" on proper proof being made of that fact. Those who violated patent rights would be required, upon conviction, to reimburse the patentee in a sum double the proved damages and to pay into the treasury of the Republic a fine of \$500 for each offense. The last section of the act provided for its administration by establishing a patent office as a bureau of the State Department, "wherein all the specimens, moulds, models and devices, of all new inventions or discoveries which may be presented . . . shall be considered as forming a part of the national ar-

<sup>27</sup> *Journal of the Senate of the Republic of Texas; First Session of the Third Congress* (Houston, 1839), 86, 100. Hereinafter cited as *Senate Journal*, 3 Cong., 1 Sess.

<sup>28</sup> This committee report is in *Congressional Papers*, 3 Cong., 1 Sess., No. 1140.

<sup>29</sup> *Senate Journal*, 3 Cong., 1 Sess., 105, 124.

chives." The chief clerk of the State Department was to serve also as patent clerk and to receive an additional \$500 a year as compensation for the extra duties.<sup>30</sup>

Four days after the approval of this law, the patent office began to function, and it continued to do so until February 16, 1846, the date on which the first legislature of the state of Texas began its sessions. During its brief seven-year history, the office had four patent clerks: Nathaniel Amory, from February 1, 1839, to December 18, 1839;<sup>31</sup> Joseph Waples, from December 18, 1839, to February 6, 1843;<sup>32</sup> John Hall, from February 6, 1843, to January 6, 1845;<sup>33</sup> and Joseph C. Eldredge, from January 6, 1845, to February 16, 1846.<sup>34</sup>

By the time Amory made his first report as patent clerk, in November, 1839, six patents had been granted. Charles Learned and Stephen Waterman had received a patent for a machine for making bricks;<sup>35</sup> Elijah S. Curtis, whose earlier request had failed to obtain the approval of the Congress, was given a patent "for an improvement in mills"; Robert Watson received one for an improvement in steam sawmills; Templeton Reid one for an improvement in the cotton gin; and Smith Cram received one for a machine for driving piles and another for a ma-

<sup>30</sup> Gammel (ed.), *The Laws of Texas*, II, 109-11. A manuscript copy, certified by Nathaniel Amory, Chief Clerk of the State Department, February 5, 1839, is in Comptroller's Civil Service Records, file Nathaniel Amory (Archives, Texas State Library).

<sup>31</sup> Amory was paid \$41.66 a month for services as patent clerk. The vouchers for this service, as well as those for his services as chief clerk of the State Department, are preserved. Comptroller's Civil Service Records, file Nathaniel Amory.

<sup>32</sup> All of the vouchers of Waples as chief clerk and "Commissioner of Patents" are preserved. *Ibid.*, file Joseph Waples.

<sup>33</sup> The vouchers for Hall's services as patent clerk, for February 6-28 and April-November, 1843, and for services as chief clerk from February 6, 1843, to November 30, 1844, are preserved. *Ibid.*, file John Hall. Some vouchers have been lost or misfiled, for Hall seems to have served until January 6, 1845; but the extra salary for service as patent clerk in 1844 was specifically eliminated by the appropriation act of February 5, 1844. See Gammel (ed.), *The Laws of Texas*, II, 1019.

<sup>34</sup> Eldredge received two warrants for his services as "Commissioner of Patents": one for \$500 for the period from January 6, 1845, to January 6, 1846, and the other for \$55.54 for the period from January 6 to February 16, 1846. Comptroller's Civil Service Records, file Joseph C. Eldredge.

<sup>35</sup> The United States Patent Office had issued a similar patent to these two men on April 14, 1838. *Report from the Commissioner of Patents, Transmitting Information in Relation to the Duties of His Office for the Year 1838* (House Exec. Docs., 25 Cong., 3 Sess., No. 80), 27.



chine for removing snags.<sup>36</sup> Amory reported that in each case the patentee had applied in person and had legally declared his intention of becoming a citizen of Texas, "and those who designed being absent from the country, empowered an agent to represent their acquired rights." Other applications had been received from "persons residing in the United States, through an agent here," but these had been refused "until the applicant should appear in person and comply with the requisition of the law."<sup>37</sup>

This report also stated that since the law "is not imperative in requiring the Patentee to deposit a model of the machine, or instrument, in the Patent Office, but leave it optional with him to provide either a drawing or model," a minute description and drawing of the article patented had been accepted in each case. In three instances, however, models had been "voluntarily furnished," and were then on deposit in the clerk's office; and this led Amory to suggest that because of the crowded condition of the State Department another room should be added for the purpose of housing "the documents and models which may fairly be expected to accumulate before the next session of Congress."<sup>38</sup>

These expectations were not realized, however, and Amory's mild comment on certain inadequacies in the law seems to have opened the way for some members of the Fourth Congress to begin an attack upon it. On November 14, 1839, William H. Jack introduced into the House a resolution requiring the committee on the state of the Republic "to enquire out the expediency" of repealing or amending it,<sup>39</sup> but no action seems to have been taken by the House. Almost a month

<sup>36</sup> Cram had received a patent in the United States on June 14, 1838, for a machine for "pile-driving, progressive, for railroads," and another on October 26, 1838, for "removing obstructions under water." *Patent Report, 1838*, 12.

<sup>37</sup> Amory to David G. Burnet, November 6, 1839, in Letter Books, I, 141. See also, Harriet Smither (ed.), *Journals of the Fourth Congress of the Republic of Texas, 1839-1840, to Which Are Added the Relief Laws*, 3 vols. (Austin, 1929-1931), III, 30. For a reference to an application from England, see calendar of a letter from J. Robinson to Lamar, September 27, 1839, in Gulick and others (eds.), *Papers of Mirabeau Buonaparte Lamar*, III, 120.

<sup>38</sup> Smither (ed.), *Journals of the Fourth Congress*, III, 30.

<sup>39</sup> *Ibid.*, II, 12.

later, on December 10, Francis Moore made a more definite effort in the Senate by introducing "an act to promote the progress of the useful Arts, and to repeal" the existing law on the securing of patent rights.<sup>40</sup> This bill reached second reading, and was referred to the committee on foreign relations. On January 25, 1840, Anson Jones, the chairman of that committee, reported that the majority of the committee considered the bill "not calculated to promote the object set forth in the title,"<sup>41</sup> and here the matter seems to have been dropped for the time being. The opposition and criticism continued, however, and proposals to amend or repeal the law were considered in three of the five remaining Congresses of the Republic.

In the meantime, both Texans and aliens continued to inquire about patents. Morris Baxter, of Nacogdoches County, traveled to Austin in quest of a patent in the summer of 1840.<sup>42</sup> Samuel G. Jewett, of San Augustine, stated that he had "originated a new and useful invention," complained of the necessity of going to Austin in order to make application for a patent, and suggested that the law be altered to permit inventors to make affidavit before any person qualified to administer oaths instead of to the secretary of state alone.<sup>43</sup> John Houghton, of Wetumpka, Alabama, wished to patent a damless, water-driven mill, "constructed to saw or Grind," which had already been patented in the United States.<sup>44</sup> J. Hubble and David B. Welding, of Natchez, Mississippi, journeyed to Austin to obtain a patent on an improved shingle-making machine with an output of sixty shingles per minute.<sup>45</sup> And one of those who had obtained a Texas patent and then removed from the Republic took steps to retain his patent privileges. From Georgia,

<sup>40</sup> *Ibid.*, I, 120.

<sup>41</sup> *Ibid.*, I, 141, 294. The committee report is in Congressional Papers, 4 Cong., No. 1504.

<sup>42</sup> David S. Kaufman to Joseph Waples, July 4, 1840, in Domestic Correspondence.

<sup>43</sup> Jewett to Secretary of State, November 28, 1840, *ibid.*

<sup>44</sup> Houghton to Lamar, December 4, 1839, in Gulick and others (eds.), *Papers of Mirabeau Buonaparte Lamar*, V, 330. On January 13, 1829, Houghton, then of Greene County, Georgia, received a patent from the United States Patent Office on an "Imp[rovement] in the mode of supplying water to water wheels." *List of Patents, 1790-1836*, 370.

<sup>45</sup> Ezekiel W. Cullen to Burnet, January 24, 1840, in Domestic Correspondence; recorded in Letter Books, II, 311, where the date is given as July 24.

Templeton Reid, whose patent on an improved cotton gin had been granted in 1839, wrote to Amory, requesting him to appoint an agent to care for his rights and stipulating \$100 as the fee for the privilege of making or using the gin.<sup>46</sup>

Although the term "copyright" did not appear in the act of 1839, it was at least implied in the inclusion of "liberal arts, sciences or literature, books, maps or charts" among the things which might be patented; and it was apparently on the basis of such implication that a copyright was issued in 1840 on George William Bonnell's *Topographical Description of Texas, to Which Is Added an Account of the Indian Tribes*. This volume, of 150 pages plus eight pages of front matter, bears the imprint of Clark, Wing and Brown, of Austin, and the date 1840; and although no mention of official action concerning it appears in the records, it carries on page iv the following statement: "Copyright secured in the Republic of Texas and in the United States, according to law, in the year 1840." So far as can be ascertained, it is the only imprint ever issued showing copyright in Texas.

On the other hand, the report of Joseph Waples on his activities as patent clerk for the year 1841 records the granting of copyrights on two works which did not materialize.<sup>47</sup> On June 24, 1841, Anthony B. Shelby was granted "a copy Right for digest of the laws of the Republic of Texas,"<sup>48</sup> and somewhat later Anderson Hutchinson received a copyright on his proposed compendium, which was to be entitled:

Code of Texas: an Organic Compilation of the Constitutions and Public Decrees, Ordinances, and Statutes that Have Been and Are Now Operative in the Republic Distinguishing Those Now in Force from Those that Have Been Modified, Superseded, or Repealed: and the Decisions of the Supreme Court Annotated: with a Directory Containing Instructions, Entries, and Precedents for Clerks, Sheriffs, and Justices, on the Author's Labor Saving Plan of Synthetic Indices and Laconic Forms.<sup>49</sup>

<sup>46</sup> Reid to Amory, May 17, 1840, in Domestic Correspondence; recorded in Letter Books, II, 324.

<sup>47</sup> Waples to Samuel A. Roberts, October 28, 1841, in Letter Books, I, 247.

<sup>48</sup> *Ibid.*; also, undated petition of Anthony B. Shelby, in Memorials and Petitions.

<sup>49</sup> Petition of Anderson Hutchinson, November 9, 1841, *ibid.* Waples' report of October 28 showed that the copyright had been issued prior to that date, but did not give the complete title.

According to Hutchinson, his work was to consist of seventy-six chapters, arranged under the sub-headings: the republic; the government—its branches, departments, and functionaries; internal police; constitutional and absolute rights of the citizen; domestic relations; civil relations; real estate; personal estate; remedies and civil prosecution; public wrongs and penal sanctions; and the directory. Shelby claimed that Hutchinson's copyright infringed upon his, and both men requested financial aid from Congress in order to print and to bind the books.<sup>50</sup> After an extended consideration of these requests, however, Congress failed to supply the desired assistance,<sup>51</sup> and neither book was ever published.

Waples' report also recorded the granting of eight patents in 1841, five of them going to John Price for "a lamp or Burner," an improvement in the cotton press, a chimney, a milldam, and "a Texas Tonic."<sup>52</sup> The other three were issued to David B. Welding, "for an improved vibrating shingle machine," Jonathan Golding, "for improvement in the coupling plough," and B. Durand, "for a double and Single Plough." In commenting on his work, Waples stated that aliens continued to apply for patents, and he recommended a change in the law to permit the granting of such patents upon payment by the applicant of double or treble the amount of the resident fee,<sup>53</sup> but this suggestion received no response from the Congress.

That non-resident inventors found ways of circumventing the restrictions, however, is well illustrated in the case of James Hamilton, of New York City, who granted to John R. Burke one-half interest in five inventions already patented in the United States on the condition that

<sup>50</sup> Petitions of Shelby, undated, and November 25, 1841, and of Hutchinson, November 9, 1841, in *Memorials and Petitions*.

<sup>51</sup> Harriet Smither (ed.), *Journals of the Sixth Congress of the Republic of Texas, 1841-1842, to Which Are Added the Special Laws*, 3 vols. (Austin, 1940-1945), I, 204, 213, 214, 223, 246, 252, 253, 257, 347; II, 22n, 186-87, 270, 319.

<sup>52</sup> On December 7, 1839, the United States Patent Office issued a patent to Price, then of Nashville, Tennessee, on a cotton press, and on December 18, 1839, another on a "Burner for pine knots, &c." *Report from the Commissioner of Patents, Showing the Operations of His Office during the Year 1839* (Sen. Docs., 26 Cong., 1 Sess., No. 111), 10, 19.

<sup>53</sup> Waples to Roberts, October 28, 1841, in Smither (ed.), *Journals of the Sixth Congress*, III, 286-87.

Burke would go to Texas and obtain patents on them either in his own name or in the name of some resident.<sup>54</sup> In compliance with this agreement, Burke apparently arrived in Texas in 1842 and applied for patents on a dredging machine for removing bars and deepening channels and rivers, a machine for removing rafts and snags, a machine for sawing lumber and boards, one for felling trees and crosscut-sawing logs, and an improved saw gate for sawing ship and boat timbers.<sup>55</sup> In the absence of any reports from the patent office after 1841, it is not possible to determine what disposition was made of these applications.

By the end of 1841 economic conditions in Texas seemed to require that a program of retrenchment be adopted, and during the remaining four years of the life of the Republic the domestic policy of the authorities was turned toward the establishment of a less pretentious governmental organization. This meant that numerous activities which formed a part of the national, as distinguished from a state, program were either curtailed or abandoned, and among those which suffered in both support and morale was the patent office. An unsuccessful effort was made in 1841 to eliminate the extra salary of \$500 which was paid to the chief clerk of the State Department for his service as patent clerk and to allow him only the proceeds of the patent office, "provided always he shall not receive more than five hundred dollars per annum."<sup>56</sup> A more successful attack was made in 1844, when the bill making appropriations for the support of the government for that year specified that "the Chief Clerk of the State Department shall not receive the five hundred dollars as head of the Patent Office or Bureau."<sup>57</sup> This stipend seems to have been restored in the following year;<sup>58</sup> but although the

<sup>54</sup> A copy of the agreement between Hamilton and Burke, dated December 2, 1841, is in Domestic Correspondence.

<sup>55</sup> For records of the patenting of these machines in the United States, see *Patent Reports*, 1837, 19; *ibid.*, 1839, 15; *ibid.*, 1840, 18, 24; *ibid.*, 1842, 126.

<sup>56</sup> *Journals of the Senate of the Republic of Texas, Fifth Congress—First Session* (Houston, 1841), 162. This proposed amendment to the patent act of 1839 was summarily adopted by the Senate by being rushed through three readings in one day, but the House apparently took no action on it. A manuscript draft is in Congressional Papers,

5 Cong., 1 Sess., No. 2073.

<sup>57</sup> Gammel (ed.), *The Laws of Texas*, II, 1019.

<sup>58</sup> See note 34, above. The restoration was apparently based on the absence of an

office continued to exist it had apparently ceased to claim the serious attention of the clerk.

Because of the failure to make reports after 1841, and apparently also a failure to keep any systematic records, information concerning patents which may have been granted after that date must be derived from indirect evidence. In the case of the applications made by John R. Burke in 1842, for example, the fact that a copy of the contract between Burke and James Hamilton was preserved in the files of the State Department would suggest that the desired patents may have been issued. Similarly, the fact that Abram M. Gentry, of Houston, ran an advertisement in the leading Texas newspaper from February to September, 1844, extolling the merits of "Gentry's Patent Portable Burr Stone Mill . . . also, Improved Patent Stock Mills . . . designed for grinding corn and cob together, or other grain for stock feed," and "Patent Hand Spinning Ginnies . . . [which would] perform the three operations of ginning, carding and spinning, at the same time,"<sup>59</sup> would seem to indicate that he had obtained patents on these three devices during 1843 or early in 1844. A third clue appears in the fact that the voucher for Joseph C. Eldredge's salary as patent clerk for 1845 shows that he issued two patents during that year, but the scant record does not indicate to whom or on what inventions.<sup>60</sup>

Further attempts had been made in the meantime to amend the act of 1839 or to replace it with a more effective statute. On July 11, 1842, John B. Jones introduced into the House of the Sixth Congress "A bill to amend an act securing patent rights to Inventors," which was passed on the same day. The Senate read it twice on the following day and referred it to the committee on the judiciary. This committee reported a substitute repealing all laws relating to patents, and in this form the

express prohibition in the appropriations bill for 1845, inasmuch as that measure contained no mention whatsoever of the patent clerk. See Gammel (ed.), *The Laws of Texas*, II, 1116-20.

<sup>59</sup> This advertisement ran continuously in the *Houston Telegraph and Texas Register* from February 21 to September 18, 1844.

<sup>60</sup> Voucher, February 1, 1846, in Comptroller's Civil Service Records, file Joseph C. Eldredge.

bill was passed on July 16.<sup>61</sup> The House, however, took no further action in the matter, and the original statute remained intact. On December 20, 1842, George W. Hill introduced in the lower house of the Seventh Congress a bill which proposed to amend the existing patent law by permitting an alien to obtain a patent upon making affidavit that he was the original inventor and paying a fee of \$60, with an additional proviso that if he were represented by a resident agent the fee should be \$30. This bill was referred to the committee on the state of the Republic, where it was apparently permitted to die.<sup>62</sup> During the following summer Secretary of State Anson Jones requested the Texan minister to the United States to obtain for him copies of "the different forms used in the patent office of the United States, and also the laws in relation to patents."<sup>63</sup> With these materials before him, Jones seems to have constructed a bill for introduction in the Eighth Congress, which bore the title, "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose"; but it apparently received little consideration. The printed journals of both the Senate and the House are completely silent concerning it, but other sources indicate that on December 20, 1843, it was presented in the House and by a suspension of the rules was immediately given a second reading and referred to the committee on the state of the Republic, from which it never returned.<sup>64</sup>

Following very closely the United States patent law of July 4, 1836,<sup>65</sup> this proposed measure would have provided for a rather drastic revision of patent procedure in Texas. It created a patent office in the State Department, the chief clerk of which was to be the commissioner of patents, authorized to issue patents and caveats for patents to inventors.

<sup>61</sup> Smither (ed.), *Journals of the Sixth Congress*, III, 48, 58, 64, 147. The manuscript amendment has not been found.

<sup>62</sup> *Journals of the House of Representatives of the Seventh Congress of the Republic of Texas* (Washington, Texas, 1843), 89, 99. A draft of the bill is in Congressional Papers, 7 Cong.

<sup>63</sup> See Isaac Van Zandt to Anson Jones, August 10, 1843, in Garrison (ed.), *Diplomatic Correspondence of the Republic of Texas*, II, 197.

<sup>64</sup> An endorsement on a manuscript copy of the bill, now in Congressional Papers, 8 Cong., No. 2771, contains a full notation concerning its disposition.

<sup>65</sup> For that law, see 5 *U. S. Statutes at Large*, 117-25.

The fee for citizens of Texas and those who had filed their intention of becoming citizens was set at \$30; for subjects of Great Britain, \$200; and for all others, \$100. The receipts of the patent office were to constitute a patent fund which was to be used for the maintenance of the office and for providing a library of scientific works and periodical publications. In great detail the plan provided means for the adjudication of patent conflicts by commissions of three disinterested persons and by the civil courts. Patent rights were to run for fourteen years; and in case the patentee had not recouped his expenses within that time, he might apply to the secretary of state and to the commissioner for a seven-year extension. The commissioner was authorized to appoint, in not more than ten cities of the Republic, agents to receive applications, and he was required to present to Congress, within fourteen days after the beginning of the regular annual session, a report on the activity of the office during the preceding year, including a statement of receipts and disbursements; a list of all patents issued, together with descriptions of devices patented and names and residences of patentees; and a list of all patents that had expired.<sup>66</sup>

Whether the passage of such a measure could have revived or established an effective handling of patent and copyright problems under the existing circumstances in Texas must, of course, remain an unanswered question. With the subject of annexation to the United States rapidly becoming the paramount interest of the Texans, it was inevitable that further promotion of such minor matters would be suspended or neglected; and perhaps the best indication of the extent to which they were neglected is to be found in the fact that when annexation was finally accomplished the terms agreed upon contained no mention of patents and copyrights. Apparently, the only person to whom this omission caused concern was the commissioner of patents of the United States, who called attention to it in his annual report of 1846.

It would appear to be necessary for the public convenience [he said], and the protection of those citizens of Texas who obtained patents under the government of that State when existing as an independent republic, that the con-

<sup>66</sup> Congressional Papers, 8 Cong., No. 2771.



tents of the patent office of Texas should be transferred to this office, and that such legal provision should be made by Congress as may appear to be necessary to secure the validity of all patents granted under the authority of that State prior to its annexation to this Republic.<sup>67</sup>

The United States Congress did nothing in the matter, however, and as a result the Patent Office now has no records relating to the fate of the patents issued by the Republic of Texas.<sup>68</sup> The fact that, so far as can be determined, no one seems to have been injured would perhaps suggest that those inventions patented in the Republic which were not also patented in the United States may have been too trivial and unremunerative to require further protection. Of the fourteen patents which can positively be listed as having been granted, only six appear to have been patented in the United States, and while there is no way of determining what became of the other eight after annexation, the absence of such information in both the Patent Office and the court records of the United States would seem to indicate that no further questions were raised concerning them. In the case of the copyrights, no problems could arise, because the only work published under a Texas sanction was also copyrighted in the United States.

So far as can be determined from the Texas records, the patent office of the Republic granted sixteen patents under the law of 1839, all but two of which can be identified both as to patentee and as to the article patented. There is at least a probability that patents were also granted on the three mills advertised by Gentry in 1844, and a possibility that Burke received patents on the five devices which he presented in 1842. In ten other cases, including that of Morse's telegraph, the evidence shows clearly that patents were not granted, but it is perhaps significant that all of these applications were presented before the adoption of the patent act of 1839. Apparently the only rejections by the patent clerks after that act went into effect were made because the applicants were not citizens or residents of Texas, but the references to them are too indefinite to warrant an estimate as to their number and character.

<sup>67</sup> *Report of the Commissioner of Patents, for the Year 1846* (House Exec. Docs., 29 Cong., 2 Sess., No. 52), 8.

<sup>68</sup> J. A. Brearley, Chief Clerk of the United States Patent Office, to author, January 29, 1942.

While this is not an impressive record for a nine-year period, the failure to produce more effective results should not be charged solely to the ineptness or neglect of the public officials. The editor of the *Matagorda Bulletin* probably hit upon the fundamental difficulty in his statement that "Our country is yet too young, and our citizens too much engaged in other pursuits to expect much from them in the way of invention or improvement." This view would seem to be substantiated by the fact that the three copyrights issued—one for a volume of geography and two for legal compendiums—and the one for a map which was not granted demonstrate the practical, utilitarian quality of Texas letters during the period. Interest in the environment and the legal structure, rather than belletristic ebullition, was the dominating note.

The patented inventions also reveal a definitely utilitarian emphasis. Of the fourteen named patents that were issued and eight others that may have been issued, ten were related in various ways to the promotion of manufacturing enterprise; five were designed to assist in improving transportation conditions; four were concerned directly with the clearing and cultivation of the land; two had to do with providing greater comfort in the home; and one, John Price's "Texas Tonic," might be classified as having no utilitarian value. None of these inventions could be said to have materially altered man's adjustment to the universe—as Morse's telegraph, for which a patent seems to have been requested but not granted, certainly did—but some of them possibly made easier his conquest of the vastness and geographic complexity of Texas.

# The Southern States and the Reporting of Senate Debates, 1789-1802

BY ELIZABETH G. MCPHERSON

When the federal government was established in 1789, with its capital in New York, the question of admitting the public and the reporting of the debates of Congress had not been settled. In the chamber of the House of Representatives two galleries had been erected for the accommodation of spectators.<sup>1</sup> On April 8, 1789, its doors were opened to the public and reporters were also permitted to make unofficial reports of the debates of that body.<sup>2</sup> The reports of its early debates were published in the newspapers and in short-lived publications, such as Thomas Lloyd's *Congressional Register*, Thomas Carpenter's *American Senator*, James T. Callender's *Political Register*, and his *American Register for the Year 1796*. From these and other sources, Joseph Gales, senior and junior, and William W. Seaton compiled the debates of Congress, from March 4, 1789, to May 27, 1824, in the *Annals of Congress* (1834-1856), in forty-two volumes. In these familiar volumes one turns almost in vain to find reports of the debates of the Senate from 1789 to January 8, 1802. Perhaps it is worth while to ascertain, if possible, the reason for the absence of any record of Senate debates for this period in this much-used source. Accordingly, it is necessary to ascertain why the Senate sat behind

<sup>1</sup> *Pennsylvania Packet* (Philadelphia), March 12, 1789.

<sup>2</sup> New York *Daily Gazette*, April 9, 1789; "Number 1<sup>st</sup> of the Debates of the House of Representatives taken by Thomas Lloyd commencing April 8th & ending May 15th Annoque Domini 1789," Library of Congress. It is to be noted that Lloyd's stenographic notes begin on April 8, but his Register of Debates includes journal entries from March 4, 1789. For a brief account, see Elizabeth G. McPherson, "Reports of the Debates of the House of Representatives during the First Congress, 1789 to 1791," in *Quarterly Journal of Speech* (Detroit, 1914- ), XXX (1944), 64-71.

closed doors for more than six years, and refused for a much longer time to admit reporters on the floor for the purpose of recording debates.

In order to understand the attitude of the Senate toward the admission of the public and reporters to its sessions, some study of the underlying causes is necessary. One of the chief factors seems to have been the lack of a precedent in either England or America. It is true that the *Journals* of the House of Lords begin with 1509 and those of the House of Commons with 1547, but from the earliest time members of both houses were so strictly enjoined to secrecy that they were not permitted to discuss the proceedings with any one except members of the same house. As a further safeguard against improper disclosure of the proceedings, non-members were rigidly excluded from both houses.<sup>3</sup> Notwithstanding the precautionary measures taken to exclude strangers, however, the vigilance of the doorkeepers was inadvertently or intentionally eluded, and the public intruded on Parliament.<sup>4</sup> Following the example of the British Parliament, the colonial assemblies kept only journals of their proceedings and usually sat behind closed doors. Prior to 1766 no legislative body in America had admitted the public to its sessions.<sup>5</sup> When the First and Second Continental Congresses attempted to legislate for the thirteen colonies, members were sworn to secrecy and sessions generally were closed to the public. These precautionary measures against the disclosure of debates were taken in an effort to keep Congressional discussions from the knowledge of the British authorities. Consequently, the American Congresses kept only a journal. The secretive policy adopted by the Continental Congresses and followed by that of the Confederation was continued by the Constitutional Convention.

Upon the organization of the United States government under the Constitution, it became the highest and most powerful authority of the country. Article I, Section 5, of the Constitution provides that "each

<sup>3</sup> Michael MacDonagh, *The Reporters' Gallery* (London, 1913), 81, 85-89.

<sup>4</sup> Leo F. Stock (ed.), *Proceedings and Debates of the British Parliament Respecting North America*, 5 vols. (Washington, 1924-1941), IV, xxi-xxv.

<sup>5</sup> Dorman B. Eaton, *Secret Sessions of the Senate* (New York, 1886), 12.

House shall keep a journal of its proceedings, and from time to time publish the same, except such parts as may in their judgment require secrecy." Under this provision each house has kept a journal, but since the Constitution made no provision for reporting the debates of Congress each House was left free to act independently. Instead of following the policy adopted by the House, and admitting the public to its sessions, the Senate deliberated in secret, even excluding members of the House of Representatives.<sup>6</sup>

It has been suggested that one reason for the exclusion of visitors from Senate sessions was the inadequate size of the room in which that body sat in New York, which was only about forty feet square, with a ceiling fifteen feet high. Obviously it would have been impossible to have admitted even a few non-members to Senate sessions,<sup>7</sup> but the idea of exclusion prevailed to such an extent that no seats were provided for the accommodation of the public in the new quarters of the Senate when Congress moved from New York to Philadelphia.<sup>8</sup>

Perhaps the most powerful motive influencing the members of the Senate who opposed the opening of its doors was a strong desire to maintain their positions and power. With the exception of James Gunn, of Georgia, and Tristram Dalton, of Massachusetts, all members of the first Senate of the United States had been delegates to the Continental Congresses, or to the Congress of the Confederation, or to the Constitutional Convention.<sup>9</sup> Accustomed to sitting behind closed doors, they disliked a change. But there were even stronger motives for clinging to the ancient system of deliberating in secret. Not only would the Senate sacrifice a portion of its dignity and reputation if its deliberations were exposed, but its members might be subjected to public criticism as were members of the House. Under the accepted principles of the responsibilities of authority, the contemporary theories of the nature of and limits on popular liberty, and the

<sup>6</sup> *Journal of the Senate of the United States*, First and Second Congress (Reprint, Washington, 1820), 135, 281, 415, 429. Hereinafter cited as *Senate Journal*.

<sup>7</sup> *Pennsylvania Packet*, March 12, 1789.

<sup>8</sup> *Senate Journal*, 1 Cong., 2 Sess., 467-68.

<sup>9</sup> *Biographical Directory of the American Congress, 1774-1927* (Washington, 1927), 876, 1041.

theory of the political role of the Senate then prevalent, it was felt that the people were not entitled to information on the deliberations and actions of that body.

It has also been stated that originally the Senate "seemed to be regarded chiefly as an executive council."<sup>10</sup> For example, when President Washington appeared in the Senate for the first time on August 22, 1789, accompanied by the Secretary of War, who was prepared to explain the terms of a proposed treaty with the southern Indians, he was rebuffed. Instead of advising the President, the Senate referred the matter to a committee; whereupon, according to William Maclay, a senator from Pennsylvania, Washington rose in a "fret" and exclaimed that "*This defeats every purpose of my coming here.*" He agreed, however, to visit the Senate on the 24th for further discussion. Upon his return he is said to have "manifested a spirit of accommodation," but swore that he would never return for advice on making a treaty;<sup>11</sup> and this policy was followed by his successors until July 10, 1919.<sup>12</sup>

From available sources it is quite apparent that the Senate was jealous of any infringement on its prerogatives. In the opinion of some contemporary observers, Washington was already forcing "a courtship of and attention to the House of Representatives, that by their weight," he might "depress the Senate and exalt [his] prerogatives on the ruins."<sup>13</sup> Perhaps this feeling is at least a partial explanation of the behavior of the Senate toward Washington, and it may also afford a clue to the attitude of that body toward the admission of the public and reporters.

No references are found in the *Journal of the Senate* or in the *Journal of William Maclay* relative to the admission of spectators to

<sup>10</sup> *Senate Journal*, 35 Cong., 2 Sess., 96.

<sup>11</sup> *Journal of the Executive Proceedings of the Senate of the United States* (Washington, 1828- ), I, 19-24; *The Journal of William Maclay, Senator from Pennsylvania, 1789-1791* (New York, 1927), 125-29; Charles Francis Adams (ed.), *Memoirs of John Quincy Adams*, 12 vols. (Philadelphia, 1874-1877), VI, 427.

<sup>12</sup> Andrew C. McLaughlin, *A Constitutional History of the United States* (New York, 1935), 250n.

<sup>13</sup> *Journal of Maclay*, 119-20.

the first session of the Senate held in New York in 1789. The question was raised, however, for in supplying Washington with illustrations of the state of public sentiment toward the federal government David Stuart wrote from his home in Abingdon, Virginia, on July 14, 1789, that he found "the Senate in general to be unpopular, and much censured for keeping their door shut."<sup>14</sup> In reply Washington wrote, on July 26, 1789: "Why they keep their doors shut, when sitting in a Legislative capacity, I am unable to inform you; unless it is because they think there is too much speaking to the Gallery in the other House, and business thereby retarded."<sup>15</sup>

An examination of the journals of the state legislatures and those of the Senate reveals that the South assumed the leadership in the attempt to force the Senate to open its doors to the public. Almost immediately after Congress met in its first session the southern members began to demand that the doors of the Senate be opened to the public. The sectional difference in attitude on the matter is not easily explicable, but a partial answer may perhaps be found in the cleavage between the North and the South over the question of state rights typified in the two schools of political philosophy—Hamiltonian and Jeffersonian. With the aid of the Federalist party, with its stronghold in the North, Alexander Hamilton succeeded in putting most of his financial policies into effect, and incidentally, welded the mercantile interests of the country to the Federalist party. With the Federalist party firmly entrenched in national power, the North had little to fear from Congressional legislation and could see little danger in the closed sessions of the Senate. In the agrarian South, where liberal democratic ideals flourished under the leadership of Thomas Jefferson, the assumption of state debts, the levying of so-called high taxes, and other legislation obnoxious to the South brought home to its people the importance of knowing what was said in the Senate. In the South it was realized that once the doors of the Senate were opened, it would not

<sup>14</sup> David Stuart to George Washington, July 14, 1789, in Papers of George Washington (Division of Manuscripts, Library of Congress).

<sup>15</sup> Washington to Stuart, July 26, 1789, *ibid.*; John C. Fitzpatrick (ed), *The Writings of George Washington*, 37 vols. (Washington, 1931-1940), XXX, 363.

be long before the popular pressure could be brought to bear upon the Senate, and that legislation more favorable to southern political ideals and economic interests might then be enacted. The controversy over the opening of the Senate was, therefore, highly partisan in nature, anti-Federalists uniformly supporting anti-cloture legislation.

It is not surprising that Virginia led the southern states in the movement to force the Senate to open its doors. On December 16, 1789, her legislature instructed her senators to use "their utmost endeavours" to obtain "free admission" of the American people to the Senate of the United States, declaring this right to be "one among the important privileges of the people."<sup>16</sup> Accordingly, on April 29, 1790, Senators Richard Henry Lee and John Walker, of Virginia, moved that the doors of the Senate be opened to the public.<sup>17</sup> In support of their resolution Lee is said to have spoken "two days ably on the subject, without receiving an answer." The question was then put, and the resolution lost, "no one voting for him but his Colleague and Mr. Maclay." When the news of the defeat of Lee's motion reached Richmond, Virginia, it "occasioned much disgust—But the manner of the rejection seemed to be as offensive, as the rejection itself," David Stuart wrote President Washington. Stuart also believed that the rejection of the

<sup>16</sup> *Acts Passed at a General Assembly of the Commonwealth of Virginia; Begun October 19, 1789. . . .* (Richmond, 1791), 45.

<sup>17</sup> *Senate Journal*, First and Second Congress, 125; *Annals of Congress* (Washington, 1834-1856), 1 Cong., 2 Sess., 968; *Journal of Maclay*, 244.

The pagination and index to the early volumes of the *Annals of Congress* present a special problem of citation. Of volumes one and two there are two imprints, of different types. The one with the back-title, "Debates in Congress, Old Series," running title, "Gales and Seaton's History of the Debates of Congress," does not seem to belong to the regular series. The other, with the back-title, "Annals of Congress," and running title, "History of Congress," was evidently an imprint of the 1834 edition. The contents of the first two volumes are identical, except that the series designated as the *Annals of Congress* has a more carefully prepared index. Volume one of the old series has 1322 columns; and the same volume in the other series, or *Annals of Congress*, contains only 1170. Volume two of the old series begins with column 1323 and ends with 2418; that of the *Annals* begins with 1171 and ends with 2354. It is difficult to account for the action of Gales and Seaton in retaining the imprint of 1834 when publication actually took place in 1850. See [Francis A. Crandall], "A Puzzle in the Annals," in *Monthly Catalogue of United States Public Documents*, June, 1910-July, 1911 (Washington, 1911), 196-98; *Checklist of United States Public Documents, 1789-1909* (3rd ed., Washington, 1911), 1463, 1493. The citations in this article are to the series designated as *Annals of Congress*.



motion probably would "be productive of an application from our Legislature, to the other States calling on them, to join them in similar instructions to their Members. It is a pity the public wish (as I believe it to be) in so trivial a matter, cannot be gratified. Public disgust will be shown of things."<sup>18</sup>

In fact, the defeat of Lee's motion on April 30, 1790, to open the doors of the Senate brought before the people the question of whether or not the Senate was a closed corporation and increased public suspicion of that body. As a result of its action in defeating Lee's proposal, the legislatures of Virginia, North Carolina, South Carolina, and Maryland instructed their respective senators to urge the Senate to open its doors.<sup>19</sup> As Stuart had predicted, when the legislature of Virginia assembled in its next session, in the autumn of 1790, it not only instructed its senators to press for the passage of another resolution favoring the opening of the doors of the United States Senate, but went a step further and ordered that a copy of these instructions be sent to the "Legislatures of the Several States in the Union, requesting their cooperation in similar instructions to their respective Senators."<sup>20</sup> Before the resolutions reached North Carolina a similar proposal had been considered in the legislature. In North Carolina the people were finding "fault that so little of the proceedings of Congress were transmitted to them" by their representatives in Congress. On December 14, 1790, the General Assembly of North Carolina resolved:

Whereas, the secrecy of the Senate of the United States, the alarming measures of the late session of Congress, and the silence observed by the Senators from this state, in not corresponding with the legislature or executive thereof, strongly

<sup>18</sup> Stuart to Washington, June 2, 1790, in Washington Papers.

<sup>19</sup> Kate Mason Rowland, *The Life of Charles Carroll of Carrollton, 1737 to 1832, with his Correspondence and Public Papers*, 2 vols. (New York, 1898), II, 179; *Acts Passed at a General Assembly of the Commonwealth of Virginia . . . 1790* (Richmond, 1791), 59; *Journal of the Senate of South Carolina, 1791*, p. 136, MSS., Historical Commission of South Carolina; *Journal of the House of Representatives of South Carolina, 1791*, p. 181, MSS., Historical Commission of South Carolina; *Journal of the House of Commons of North Carolina, 1790* (Edenton, n.d.), 39-40; *ibid.*, 1791-1792 (Edenton, n.d.), 59; *Votes and Proceedings of the House of Delegates of the State of Maryland, November Session, 1790* (no place or date of publication), 95.

<sup>20</sup> *Acts Passed at a General Assembly of the Commonwealth of Virginia . . . 1790*, p. 59.

impress this general assembly with the necessity of declaring their sentiments thereon.

Resolved, that the Senators representing this state in the Congress of the United States be, and they are hereby directed, to use their constant and unre-mitted exertions to have the doors of the Senate of the United States kept open, that the public may have access to hear the debates of the Senate, when in its legislative or judicial capacity.

Resolved, that when in Congress they may be directed to correspond regularly and constantly with the Legislature, but during recess thereof with the executive.

Resolved, that they use their endeavours to have such of the journals as are not of a secret nature printed, and transmitted by post or otherwise to the executive, regularly, during each session of Congress.<sup>21</sup>

It should not be assumed, however, that this resolution represented the unanimous opinion of the assembly of North Carolina or the people, for it was condemned publicly and privately, especially by the Federalists.<sup>22</sup>

The legislatures of other states also acted. On December 18, 1790, in accordance with the request of the legislature of Virginia, Maryland instructed her senators to use their influence to obtain admission of the public to the Senate.<sup>23</sup> South Carolina also responded to the request of Virginia, and on February 4, 1791, her senate concurred with a resolution of the house of January 18, in which the South Carolina senators were instructed to express the "wish of the people" of that state for "free admission" of the people to the Senate of the United States.<sup>24</sup>

According to available sources, New York was the only state north of the Mason and Dixon Line to consider the question of opening the doors of the Senate of the United States to the public at this time. On

<sup>21</sup> *Gazette of the United States* (Philadelphia), January 19, 1791. The resolutions were introduced in the house of commons on November 24, 1790. *Journal of the House of Commons of North Carolina, 1790*, pp. 39-40, 73, 75; *State Gazette of North Carolina* (Edenton), December 17 and 31, 1790; *North Carolina Chronicle or Fayetteville Gazette*, November 29, December 27, 1790; Henry M. Wagstaff (ed.), *Papers of John Steele*, 2 vols. (Raleigh, 1924), I, 72, 76.

<sup>22</sup> Wagstaff (ed.), *Papers of John Steele*, I, 72, 76-77; *Gazette of the United States*, February 5, 1791.

<sup>23</sup> *Votes and Proceedings of the House of Delegates of the State of Maryland, November Session, 1790*, p. 95.

<sup>24</sup> *Journal of the Senate of South Carolina, 1791*, p. 136, MSS; *Journal of House of Representatives of South Carolina, 1791*, p. 53, MSS.

January 13, 1791, the house passed a resolution by which the senators of New York were instructed that it was "the wish of the Legislature of that State that the doors of the Senate of the United States be kept open in the manner practiced by the House of Representatives of the United States."<sup>25</sup> The resolution also directed that the governor of New York send copies of the resolution to the legislatures of the "several states" requesting "their cooperation in similar recommendations to their respective Senators." Four days later the resolution was defeated in the senate by the deciding vote of the speaker of that body.<sup>26</sup> The reaction of New York against closed sessions may be explained, perhaps, by the presence of opposition to Hamilton and to his political philosophy. This opposition was further demonstrated in 1791, when Philip Schuyler, father-in-law of Hamilton, lost his seat in the United States Senate to Aaron Burr.

In the meantime, the seat of the federal government had been transferred from New York to Philadelphia, where the resolutions of the legislatures of Virginia and North Carolina were published in the newspapers.<sup>27</sup> Members of the Senate doubtless discussed them privately, if not publicly. Maclay, for example, sarcastically recorded in his *Journal* on January 17, 1791, "I am now more fully convinced than ever before of the propriety of opening our doors. I am confident some gentlemen would have been ashamed to have seen their speeches of this day reflected in the newspapers of to-morrow."<sup>28</sup>

In the struggle over secret sessions of the Senate the question of the right of the states to instruct their representatives to the central government was re-opened. During the life of the Continental Congresses and that of the Confederation, considerable opposition was voiced as to the right of the states to issue instructions to their delegates in Congress. Oddly enough, since the days of the Confederation the southern states

<sup>25</sup> *Journal of the Assembly of New York, 1791* (no date or place of publication), 18.

<sup>26</sup> *Ibid.*, 22.

<sup>27</sup> *Gazette of the United States*, January 19, 1791; James C. Ballagh (ed.), *The Letters of Richard Henry Lee*, 2 vols. (New York, 1911-1914), II, 546; William P. Palmer (ed.), *Calendar of the Virginia State Papers and Other Manuscripts*, 11 vols. (Richmond, 1873-1893), V, 443.

<sup>28</sup> *Journal of Maclay*, 360.

had issued no instructions to their representatives in Congress until the question of opening the doors of the Senate arose. The debate on this question was opened in the Senate by James Monroe. In accordance with his instructions from the Virginia legislature, he proposed on February 24, 1791, that the doors of the Senate be opened to the public on the first day of its next session and that the commissioners of Philadelphia be asked to erect galleries.<sup>29</sup> This involved the Senate in an acrimonious debate over the right of the states to issue instructions to their respective senators. Ralph Izard, of South Carolina, a staunch Federalist, despite instructions from his state legislature, argued that "no legislature has any right to instruct at all, any more than electors has a right to instruct the President of the United States." Oliver Ellsworth, of Connecticut, maintained that such instructions "amounted to no more than a wish, and ought not to be further regarded." Robert Morris, of Pennsylvania, was even more violently opposed to the contention that instructions from the state legislatures were binding. While the legislature of Pennsylvania had not instructed her senators, Maclay, as on previous occasions, saw no reason for closing any legislative body to the public. Furthermore, he thought it "a compliment due to the smallest State in the Union to indulge them in such a request." The chief objection voiced against Monroe's resolution was that the senators would only make "speeches for the gallery and for the public papers."<sup>30</sup> Monroe's resolution was defeated by a coalition of twelve northern and five southern senators, five senators from the South and four from the North supporting open debate. The Senate had refused to be bound by instructions from state legislatures.<sup>31</sup>

<sup>29</sup> *Senate Journal*, First and Second Congress, 281, 287; *Annals of Congress*, 1 Cong., 3 Sess., 1766-67, 1768.

<sup>30</sup> *Journal of Maclay*, 387-89.

<sup>31</sup> *Senate Journal*, First and Second Congress, 281, 287. *Annals of Congress*, 1 Cong., 3 Sess., 1768. The votes of the Senate were as follows: Yeas.—Pierce Butler (S. C.), Theodore Foster (R. I.), James Gunn (Ga.), Benjamin Hawkins (N. C.), Rufus King (N. Y.), Richard Henry Lee (Va.), William Maclay (Pa.), James Monroe (Va.), and Philip Schuyler (N. Y.). It is of interest to note that Schuyler, a staunch Federalist, voted in the affirmative. However, New York refused to return him. Nays.—Richard Bassett (Del.), Charles Carroll of Carrollton (Md.), Tristram Dalton (Mass.), Philemon Dickinson (N. J.), Oliver Ellsworth (Conn.), Jonathan Elmer (N. J.), William Few

But this rebuke by the Senate did not deter the states from issuing instructions in the future. In fact the legislatures of the southern states lost no time in replying. Samuel Johnston, of North Carolina, contrary to his instructions, had, like other Federalists, opposed Monroe's motion. But in January, 1792, during the next session of the assembly of the state, the legislature declared that the senators from North Carolina were "bound by the instructions of the legislature of this state in all cases whatever, where such instructions are not repugnant to the constitution of the United States."<sup>32</sup> In Maryland's letter of instruction, December 13, 1791, to Senators John Henry and Charles Carroll of Carrollton, it was stated that the refusal of the Senate "to comply with the urgent desire" of their constituents could hardly be justified "by any refinement of theory." The legislature addressed the senators in firm tones: "We, your immediate constituents, satisfied that this free communication of our sentiments will produce the desired effect, assure, that we deem a compliance with wishes expressed from the various parts of the union, that their doors should be opened whilst sitting in their legislative capacity, as essential to the preservation of the entire confidence which the whole union ought to repose in that honourable body."<sup>33</sup>

The instructions issued by the legislatures of Virginia, North Carolina, and South Carolina in 1791 and 1792 were even more emphatic in their demands that the Senate of the United States be opened to the public.<sup>34</sup> Oddly enough, none of the state legislatures voiced any opposition either to the opening of the doors of the Senate or to the issuing of instructions to members of the United States Senate.

(Ga.), John Henry (Md.), William S. Johnson (Conn.), Samuel Johnston (N. C.), Ralph Izard (S. C.), John Langdon (N. H.), Robert Morris (Pa.), George Read (Del.), Joseph Stanton (R. I.), Caleb Strong (Mass.), and Paine Wingate (N. H.).

<sup>32</sup> *Journal of the House of Commons of North Carolina, 1791-1792*, p. 48.

<sup>33</sup> *Votes and Proceedings of the House of Delegates of the State of Maryland, November Session, 1791* (no place or date of publication), 89-90.

<sup>34</sup> *Acts Passed at a General Assembly of the Commonwealth of Virginia . . . 1791* (Richmond, n.d.), 36; Ballagh (ed.), *Letters of Richard Henry Lee*, II, 546; Palmer (ed.), *Calendar of the Virginia State Papers*, V, 442, 443; Rowland, *Life of Charles Carroll of Carrollton*, II, 178, 179, 188; *Journal of the Senate of South Carolina, 1791*, p. 136, MSS.; *Journal of the House of Representatives of South Carolina, 1791*, p. 181, MSS.; *Journal of the House of Commons of North Carolina, 1791-1792*, p. 59.

On March 26, 1792, pursuant to his instructions, Monroe again proposed that the doors of the Senate be opened at the beginning of the next session and that the city of Philadelphia be asked to erect suitable galleries for the accommodations of visitors to its sessions. Lee seconded the motion, but, after debate, it was defeated by a sectional vote almost the same as that which had defeated the measure in the previous year—seventeen (thirteen northern and four southern senators) to eight (six southern and two northern senators).<sup>35</sup> Georgia had not instructed her senators, but John Henry, of Maryland, and Ralph Izard, of South Carolina, on their own responsibility, voted against the measure.

The legislature of Maryland was so indignant with Henry for disobeying his instructions that it passed a vote of censure against him and affirmed its right to instruct its senators whenever it saw fit. In spite of the bitter debate that ensued over the resolution, a copy was ordered to be forwarded to Senator Henry and to his colleague, Richard Potts, who had succeeded Carroll.<sup>36</sup>

In the light of Monroe's motion and a subsequent one in the Senate, it seems reasonable to assume that one argument advanced against the admission of the public was the lack of space. For example, on April 18, 1792, James Gunn, of Georgia, seconded a motion of William Few of the same state to the effect that when the Senate was sitting in a legislative capacity, members of the House of Representatives should be admitted; and that each member of the Senate admit a number not to exceed two persons provided "the operation of this resolution be sus-

<sup>35</sup> *Senate Journal*, First and Second Congress, 415; *Annals of Congress*, 2 Cong., 1 Sess., 113. The members of the Senate voted as follows: Yeas.—Pierce Butler (S. C.), Charles Carroll of Carrollton (Md.), Theodore Foster (R. I.), Benjamin Hawkins (N. C.), Samuel Johnston (N. C.), Rufus King (N. Y.), Richard Henry Lee (Va.), and James Monroe (Va.). Nays.—Richard Bassett (Del.), Stephen R. Bradley (Vt.), George Cabot (Mass.), Philemon Dickinson (N. J.), Oliver Ellsworth (Conn.), William Few (Ga.), James Gunn (Ga.), John Henry (Md.), Ralph Izard (S. C.), John Langdon (N. H.), George Read (Del.), Moses Robinson (Vt.), John Rutherford (N. J.), Roger Sherman (Conn.), Joseph Stanton (R. I.), Caleb Strong (Mass.), and Paine Wingate (N. H.).

<sup>36</sup> *Votes and Proceedings of the House of Delegates of the State of Maryland, November Session, 1792*, pp. 96-97; Rowland, *Life and Letters of Charles Carroll of Carrollton*, II, 188.

pended until the Senate chamber is sufficiently enlarged."<sup>37</sup> Only a few weeks before, Gunn and Few had opposed the motion to open the doors of the Senate.<sup>38</sup> After debate, by a vote of sixteen (twelve senators from the North and four from the South) to six (four senators from the South and two from the North) Gunn's motion was lost.<sup>39</sup>

By this time suspicion concerning secret sessions of the Senate was more widespread in the South. The full effects of the democratic movement were undreamed of at this time by any of its supporters or opponents. Some of the minority group seem to have had no purpose in view except the immediate one of opening the doors of the Senate to the public. Their concept of freedom was the satisfaction of the desire of the people to know what their senators were doing and saying in the Senate. In Virginia, Maryland, North Carolina, and South Carolina, the people were more determined than ever to secure the admission of the public to the Senate. On October 1, 1792, the legislature of Virginia again instructed her senators to press the matter.<sup>40</sup> The legislature of South Carolina resolved that the "citizens of the Union have a right to be present at the debates of their representatives" in the Senate.<sup>41</sup> In their resolutions the legislatures of North Carolina and Maryland were equally as emphatic.<sup>42</sup>

<sup>37</sup> *Senate Journal*, First and Second Congress, 429; *Annals of Congress*, 2 Cong. 1 Sess., 126.

<sup>38</sup> *Senate Journal*, First and Second Congress, 415.

<sup>39</sup> *Ibid.*, 429; *Annals of Congress*, 2 Cong. 1 Sess., 126. Members of the Senate voted as follows: Yeas.—Stephen R. Bradley (Vt.), Aaron Burr (N. Y.), William Few (Ga.), James Gunn (Ga.), Benjamin Hawkins (N. C.), and James Monroe (Va.). Nays.—George Cabot (Mass.), Charles Carroll of Carrollton (Md.), Philemon Dickinson (N. J.), Oliver Ellsworth (Conn.), Theodore Foster (R. I.), John Henry (Md.), Ralph Izard (S. C.), Samuel Johnston (N. C.), John Langdon (N. H.), Robert Morris (Pa.), George Read (Del.), Moses Robinson (Vt.), Roger Sherman (Conn.), Joseph Stanton (R. I.), Caleb Strong (Mass.), and Paine Wingate (N. H.).

<sup>40</sup> *Acts Passed at a General Assembly of the Commonwealth of Virginia . . . 1792* (Richmond, 1793), 114. For the action of the legislature of Virginia a year later, November 8 and 12, 1793, see *Acts Passed at a General Assembly of the Commonwealth of Virginia . . . 1793* (Richmond, 1794), 51.

<sup>41</sup> *Acts and Resolutions of the General Assembly of South Carolina in December, 1792* (1793), 77; *Journal of the Senate of South Carolina, 1792*, p. 190, MSS.; *Journal of the House of Representatives of South Carolina, 1792*, pp. 282, 292, MSS., Historical Commission of South Carolina.

<sup>42</sup> Rowland, *Life of Charles Carroll of Carrollton*, II, 188; *Journal of the House of*

The increased pressure of the legislatures of the southern states produced a series of resolutions concerning the admission of the public to the Senate. Among the resolutions introduced on January 3, 1793, it was resolved that members of the Senate were "individually responsible for their conduct to their constituents, who are entitled to such information as will enable them to form a just estimate thereof." As the journals were deemed inadequate for this purpose, it was proposed that accounts of the "measures and deliberations" of the Senate should be published in the newspapers, as the best means of "diffusing general information concerning the principles, motives, and conduct of individual members." By withholding this information, the resolution stated, responsibility would become unavailing, and "the influence of their constituents over one branch of the Legislature, in a great measure, annihilated."<sup>43</sup> Again it was proposed that the commissioners of the county and city of Philadelphia be requested to erect a proper gallery for the accommodation of an audience. The consideration of the resolutions was postponed until February 4, when the Senate engaged in an acrimonious debate and rejected all of the proposals. Burr was the only senator from the North to vote with the South.<sup>44</sup>

Despite these rebuffs the legislators of the southern states continued their efforts to open the Senate to the public. At the next session of these legislatures stronger instructions were issued to their respective senators.<sup>45</sup> The resolution of Maryland, issued on December 24, 1793, probably states the major principles involved:

We, the general assembly of Maryland, your immediate constituents, are of the opinion we should be wanting in duty to our citizens and constituents,

*Commons of North Carolina, 1791-1792, p. 59; Votes and Proceedings of the House of Delegates of the State of Maryland, November Session, 1792, pp. 96-97.*

<sup>43</sup> *Senate Journal*, First and Second Congress, 467-68; *Annals of Congress*, 2 Cong., 2 Sess., 625-26.

<sup>44</sup> *Senate Journal*, First and Second Congress, 478; *Annals of Congress*, 2 Cong., 2 Sess., 637-38.

<sup>45</sup> *Acts Passed at a General Assembly of the Commonwealth of Virginia, 1793, p. 51; Votes of the Proceedings of the House of Delegates of the State of Maryland, November Session, 1793, pp. 103-104.* The author has been unable to locate the journals of the house of commons or the senate of North Carolina, for 1793, but Senator Alexander Martin of North Carolina introduced the resolution, which indicated that he had been instructed to do so.



should we omit to add our further instructions to those which have already been forwarded from this, and other states in the union, on the interesting subject. What reasons influence the Senate to continue this unpopular seclusion from the eyes of their fellow-citizens, we are ignorant. . . . We consider the responsibility of the representation to the constituent body not only to be necessary in the house of representatives, but equally so in the Senate, and that there can be no responsibility unless your proceedings be subject to public inspection. . . . We therefore instruct you, to exert your abilities to effectuate an object so generally desirable. If this object be not obtained, we contemplate an alienation of the affections of a great number of people from that branch of the legislature, and almost a radical destruction of that confidence, without which our laws will be less energetic in their operations, and government deprived of half its benefits.<sup>46</sup>

The persistent policy pursued by the legislatures of the southern states was destined to produce results. On January 16, 1794, by a motion of Alexander Martin, of North Carolina, another effort was made to open the doors of the Senate. Martin expressed the opinion that the publication of extracts from the journals of the Senate in the newspapers had proved unsatisfactory. He, like many other senators, believed that the public was entitled to know what was said in the Senate in its legislative capacity. His resolution, which was tabled until February 19, stated:

While the principles and designs of the individual members are withheld from public view, responsibility is destroyed, which, on the publicity of their deliberations, would be restored; the constitutional powers of the Senate become more important, in being more influential over the other branch of the legislature; abuse of power, mal-administration of office, more easily detected and corrected; jealousies, rising in the public mind from secret legislation, prevented; and greater confidence placed by our fellow citizens in the national government, by which their lives, liberties, and properties, are to be secured and protected.<sup>47</sup>

In the meantime, the question of the constitutionality of the election of Albert Gallatin came up for debate. Although he had been elected by the Federalist legislature of his state, the Senate Federalists, on political grounds, refused to seat him, charging that he was ineligible

<sup>46</sup> *Votes of the Proceedings of the House of Delegates of the State of Maryland, November Session, 1793*, pp. 103-104.

<sup>47</sup> *Senate Journal*, Third, Fourth, and Fifth Congress, 22, 32-33.

under the Constitution. On February 11, the Senate voted to open its doors during the debate over this unique and interesting question.<sup>48</sup> This experiment proved so satisfactory that, after considerable debate, by a vote of nineteen (ten southern senators and nine northern senators) to eight (seven northern and one southern) the Senate agreed to admit spectators after the end of that "session of Congress, and so soon as suitable galleries" were "provided for the Senate chamber" to be opened each morning, so long as the Senate "shall be engaged in their legislative capacity," except in such cases as in the opinion of the senators might require secrecy.<sup>49</sup>

A few contemporary accounts concerning the opening of the doors of the Senate have survived. One of these is a letter written by William Barry Grove, representative from North Carolina, to a former North Carolina representative, John Steele, in which he epitomized the attitude of the people:

Now M. G[rove] be so good as to step upstairs and take a peep into the Senate chamber—that mighty conclave where it has been surmised Majestic Majack dwealt, where the illumed minds of mortals shone so bright as to exclude the rays of light from Heaven—where it has been suggested that Dangerous Vice sits as a minion on a throne, to make the hateful monster *aristocracy* lose all its proud & surley Features by dressing it in the garb of Davilla. The Deception however is discovered, and the Lords, the mighty Lords, are to be beheld as soon as accommodations can be prepared for the People, who in their compassion must behold some of them with *Pity* because they may expose their weakness in an unguarded hour—to be short with you the Doors of the Senate are to be opened next session—when some of those within will shew their *nakedness*. I was present at times during the discussion of Galetines Election,

<sup>48</sup> *Ibid.*, 29; *Annals of Congress*, 3 Cong., 1 Sess., 42.

<sup>49</sup> *Senate Journal*, Third, Fourth, and Fifth Congress, 34; *Annals of Congress*, 3 Cong., 1 Sess., 46-47. The Senate voted as follows: Yeas.—Stephen R. Bradley (Vt.), John Brown (Ky.), Aaron Burr (N. Y.), Pierce Butler (S. C.), John Edwards (Ky.), Oliver Ellsworth (Conn.), Theodore Foster (R. I.), Albert Gallatin (Pa.), James Gunn (Ga.), Benjamin Hawkins (N. C.), James Jackson (Ga.), Rufus King (N. Y.), John Langdon (N. H.), Samuel Livermore (N. H.), Alexander Martin (N. C.), James Monroe (Va.), Richard Potts (Md.), John Taylor (Va.), and John Vining (Del.). Nays.—William Bradford (R. I.), George Cabot (Mass.), Frederick Frelinghuysen (N. J.), Ralph Izard (S. C.), Stephen M. Mitchell (Conn.), Robert Morris (Pa.), John Rutherford (N. J.), and Caleb Strong (Mass.).

he has lost his seat, not having been an actual citizen 9 years tho an Inhabitant —11 years or near it.<sup>50</sup>

The galleries to the Senate chamber were not built until the summer of 1795 and it was not until December 9, 1795, that the doors of that body were thrown open to the public. On December 9, 1795, by a motion of Martin, seconded by Pierce Butler, of South Carolina, in conformity to the resolution of February 20, 1794, the Senate voted to open its doors each morning, except to executive sessions.<sup>51</sup> Except the reports of the debates concerning the seating of Gallatin, no debates of the Senate had been published prior to December 11, 1795.

As a larger proportion of the speeches made in the House of Representatives than in the Senate continued to appear in the columns of the newspapers, it is evident that reporting in the Senate was extraordinarily difficult. There was no place in the Senate galleries from which it was easy to hear what was said on the floor. The speaking style of the senators themselves did little to overcome this handicap. Nor were the galleries provided with tables where these "long handed" reporters could conveniently take notes; so the reporters seldom visited the Senate galleries. The senators did not seem to have been disturbed over the situation, however, for no effort was made to make other arrangements for the accommodation of reporters until July 7, 1797.

The immediate occasion which led to a consideration of the difficulties of the reporters was the Senate investigation of the conduct of William Blount, of Tennessee, which led to his expulsion from the Senate on July 8, 1797. On the eve of the trial an unsuccessful motion was made to admit "such printers as may request it" and to provide them "with stands on the floor of the Senate, to enable them to take notes of their proceedings on the present occasion."<sup>52</sup> Since the Senate was unwilling to provide for the accommodation of the reporters or to have them sit on the Senate floor, the debates on this important

<sup>50</sup> Wagstaff (ed.), *Papers of John Steele*, I, 108.

<sup>51</sup> *Annals of Congress*, 4 Cong., 1 Sess., 14; *Senate Journal*, Third, Fourth, and Fifth Congress, 197.

<sup>52</sup> *Senate Journal*, Third, Fourth, and Fifth Congress, 388; "Minutes of the Senate," 4 Cong., 1 Sess., 9-10, MSS., *Papers of the United States Senate*, National Archives.

event were not recorded. Such an innovation had to wait for the defeat of the Federalists and for the removal of the capital from Philadelphia to Washington, and even later.

Until decades later no one dreamed of publishing verbatim reports. Moreover, from the outset the reports of the debates of Congress were partisan in accordance with the political leanings of the newspaper editors. Even in the House of Representatives, where the reporters were generally admitted to the floor, complaints were made over misrepresentations. Many newspaper editors, therefore, did not bother to attend the sessions of the Senate except on rare occasions. The names of most of the reporters of the early debates, particularly in the Senate, are unknown. William Duane can be singled out as a reporter because of his genius in controversy and management which brought him to loggerheads with both houses of Congress. In 1797 Duane was brought before the bar of the House on charges of having misrepresented the House debates in his reports published in the *Aurora*.<sup>53</sup> He was forbidden entrance into the House as a reporter, and three years later, on March 28, 1800, the Senate attempted to arrest him for breach of privilege, but Duane had fled the city.<sup>54</sup> Partisan politics, therefore, was a factor in the refusal of the Senate to open its debates to the public.

Duane followed Congress to Washington and in the *Aurora*, December 2, 1801, announced that he was "prepared to give the proceedings of Congress with regularity and fidelity." But Samuel Harrison Smith, editor of the *Universal Gazette*, preceded Duane and even Congress and founded the *National Intelligencer*, the political organ of Jefferson. In its columns much fuller reports of the debates of the House of Representatives appeared than had heretofore been made. This may also, in part, be attributed to the fact that the Federalists no longer had a majority in the House and the reporters were again given access to the floor.

<sup>53</sup> Richard Hildreth, *History of the United States*, 6 vols. (New York, 1863), V, 411.

<sup>54</sup> *Annals of Congress*, 6 Cong., 1 Sess., 68-95, 103, 109, 111-12, 113-15, 117-19, 121-24, 184; "Proceedings of the Senate in the Case of William Duane," 35-48, MSS., Papers of the United States Senate.

When the new capitol of the United States was erected in Washington, the galleries were so far removed from the floor of the Senate that the remarks of its members could not be heard distinctly enough in the galleries to be reported accurately. Moreover, for misrepresentation of the remarks of the senators, the reporters risked being expelled or sued for libel. As they indignantly resented these restrictions, considering them to be a gross reflection upon their professional honor, they stayed away from the Senate galleries and for more than a year after Congress moved to Washington the debates were not reported in the newspapers. The debates of the House, however, were regularly reported by the reporters and "long handed" men who, at the discretion of the Speaker of that body, sat in the galleries or on the floor.

Finally, but somewhat reluctantly, the Senate faced the issue and considered the admission of the reporters to the main floor. On January 5, 1802, Smith wrote Abraham Baldwin, of Georgia, president *pro tempore* of the Senate, stating that he was "desirous of taking notes of the proceedings of the Senate . . . in such a manner as to render them correct" and through him requested "liberty to occupy a position in the lower area of the chamber."<sup>55</sup> On this date the Senate by a vote of sixteen (thirteen senators from the South and three from the North) to twelve (eleven senators from the North and one from the South) resolved that stenographers and note-takers who wished to take notes on the debates of that body should be admitted and assigned to "such place . . . as the President shall allot."<sup>56</sup> At this time the Federalists no longer were in control of the Senate.

<sup>55</sup> Samuel H. Smith to Abraham Baldwin, January 5, 1802, in Papers of the United States Senate.

<sup>56</sup> *Annals of Congress*, 7 Cong., 1 Sess., 22-23; *Senate Journal*, Sixth, Seventh, and Eighth Congress, 165-66. The Senate voted as follows: Yeas.—Joseph Anderson (Tenn.), Abraham Baldwin (Ga.), John Breckinridge (Ky.), John Brown (Ky.), William Coker (Tenn.), John Ewing Colhoun (S. C.), Christopher Ellery (R. I.), Theodore Foster (R. I.), Jesse Franklin (N. C.), James Jackson (Ga.), George Logan (Pa.), Stevens T. Mason (Va.), Wilson C. Nicholas (Va.), David Stone (N. C.), Thomas Sumter (S. C.), and Robert Wright (Md.). Nays.—Nathaniel Chipman (Vt.), Jonathan Dayton (N. J.), Dwight Foster (Mass.), James Hillhouse (Conn.), John E. Howard (Md.), Jonathan Mason (Mass.), Gouverneur Morris (N. Y.), Aaron Ogden (N. J.), Simeon Olcott (N. H.), James Sheafe (N. H.), Uriah Tracy (Conn.), and Samuel White (Del.).

Heretofore, no stenographer or note-taker had been admitted to the floor of the Senate for the purpose of reporting the debates of that body, and the assignment of a seat to Smith as a reporter was another step toward official reporting of the debates of Congress. On January 8, 1802, the debates of the Senate began to appear regularly in the *National Intelligencer*, which was then a tri-weekly paper. In the words of the editor, this action opened the doors of the Senate to public information, and might be considered "the prelude to a more genuine sympathy between the Senate and the people of the United States."<sup>57</sup> Thus, in reality, the persistence of the South in its demand that the doors of the Senate be opened to the public was a factor in the establishment of a more democratic government in the United States.

Smith and other newspaper editors made no pretense of publishing verbatim reports of the debates of Congress. Such an accomplishment had to wait for the perfection of a better shorthand system in the middle of the nineteenth century. Apparently the published reports were satisfactory, however, to most of the senators.<sup>58</sup> If the reporters of the debates had any doubt as to the accuracy of their notes they usually called upon members of Congress for copies of their speeches or the substance of their remarks. For example, John Quincy Adams recorded in his *Memoirs* on November 4, 1803, that Samuel H. Smith, editor of the *National Intelligencer*, had requested that Adams "give him the substance of what I said on the debate yesterday, for publication, as other gentlemen on both sides of the question had promised him they would. I agreed to furnish him with it."<sup>59</sup>

In 1810 Smith retired as editor of the *National Intelligencer*. His successor, Joseph Gales, Jr., had attended the University of North Carolina and had been trained as a reporter and journalist by his father. Two years later he was joined by his brother-in-law, William W. Seaton, of Virginia, also a journalist and a reporter. For over fifty years

<sup>57</sup> *Annals of Congress*, 7 Cong., 1 Sess., 22-23; *National Intelligencer* (Washington), January 8, 1802.

<sup>58</sup> In the collected debates in the *Annals of Congress* there are no references to complaints of senators about misrepresentation of remarks, but some were made by members of the House of Representatives.

<sup>59</sup> Adams (ed.), *Memoirs of John Quincy Adams*, I, 271.

the debates of Congress appeared in the *National Intelligencer*, and to its editors the nation is indebted for the preservation of the debates of Congress in a usable form. Forty-five years after the convening of the First Congress the compilation of the debates of that body was begun in the *Annals of Congress*. From fragmentary material Gales and Seaton succeeded in weaving together a remarkably coherent record.<sup>60</sup> The columns of the *Annals of Congress* provide a particularly illuminating picture with respect to the preservation of the debates of Congress prior to the admission of the reporters on the floor of the Senate.

Despite the diligence and care used by Gales and Seaton in compiling the debates in the *Annals of Congress*, some of the debates of both Houses published in the newspapers were overlooked. An unusually prolonged investigation would be required to permit a detailed statement as to such omissions. Since the publication of the *Annals of Congress* other source material has come to light. For the First Congress, for example, the *Journal of William Maclay*, covering the period from April 24, 1789, to March 3, 1791, has been published.<sup>61</sup> Also, fragments of three debates have been preserved in the papers of John Adams. They are the debates of July 13, 1789, on the "Power of Removal"; September 22, 1789, on the location of the "Permanent Seat of Government"; and January 25, 1790, on "Unfinished Business."<sup>62</sup> Among other sources extant for the debates of the Senate are the papers of Rufus King, of New York. In his papers are excerpts of speeches from the debates on the appointment of Gouverneur Morris as minister to France in January, 1792; on the appointment of John Jay as minister

<sup>60</sup> *National Intelligencer*, January 24, 1843; September 5, 1853; Frederic Hudson, *Journalism in the United States from 1690 to 1872* (New York, 1873), 232-33; McPherson, "Reporting the Debates of the House of Representatives during the First Congress, 1789-1791," in *loc. cit.*, XXX, 64-65; *Congressional Record*, 77 Cong., 2 Sess., Appendix, 2182-85.

<sup>61</sup> *The Journal of William Maclay* was first published, in an incomplete edition, by George W. Harris in 1880. Ten years later Edgar S. Maclay prepared another edition, published by D. Appleton and Company, in which only a few pages which had been used for a scrapbook were omitted. In 1927 Albert and Charles Boni, of New York, reprinted the 1890 edition, with an introduction by Charles A. Beard.

<sup>62</sup> Charles Francis Adams (ed.), *The Works of John Adams*, 10 vols. (Boston, 1850-1856), III, 408-14.

to England, April 14 to 21, 1794; on the bill providing for certain limitations for the suspension of the fourth article of the peace treaty between the United States and Great Britain; and on the question of seating Gallatin, February, 1794.<sup>63</sup> Other fragments of debates have survived in the papers of members of the Senate and also in contemporary newspapers after December 11, 1795.

Under the resolution of the Confederation of September 13, 1788, the first session of the Federal Congress was called to meet in New York City, March 4, 1789, but it was April 6 before quorums in both houses were present. Samuel A. Otis, selected as secretary to the Senate, was charged with the responsibility of recording the proceedings of that body and with the custody of the records created by it. While he had the responsibility of keeping the records, much of the work was done by others, as is indicated by the fact that the entries on the manuscript copies are in various handwritings. Perhaps this is one explanation for the complaints over the inaccuracies in the *Journals*.<sup>64</sup>

Most of the manuscript copies of the committee reports and other papers of the Senate are now housed in the National Archives.<sup>65</sup> A comparison of the printed *Journals* with the manuscript copies reveals certain differences. The "Original Minutes of Committees" and the rough manuscript journals of the Senate are often more informative than the printed *Journals*. In the transcribed corrected copies of the journals, citations to the "Minutes" are made on the margin, but such notes are omitted from the printed *Journals*.<sup>66</sup> For example, in the "Minutes" for October 24, 1791, the dates of the departure of the senators from Congress is recorded, but this information does not appear in the printed volumes.<sup>67</sup> Neither is the order of the business of

<sup>63</sup> Charles R. King, *The Life and Correspondence of Rufus King*, 6 vols. (New York, 1894-1900), I, 419-21, 521-23, 525-27, 529-38.

<sup>64</sup> See, for example, *Journal of Maclay*, 2, 21, 23, 132, 143, 144, 175.

<sup>65</sup> The manuscript copy of the first volume of the journal of the First Congress is missing from the papers in the National Archives.

<sup>66</sup> "Journal of the Senate of the First Congress," II, July 6 and 9, 1790, MSS., Papers of the United States Senate.

<sup>67</sup> "Original Minutes of Committees," 2 Cong., 1 Sess., October 24, 1791, MSS., *ibid.*



the day always identical in the manuscript and printed copies of the *Journal*. In some instances the printed *Journal* is more explicit.<sup>68</sup>

Verbatim transcripts of the speeches of the senators of this early period would be of real historical value, not only for the proper understanding of their political views, but also as evidence of their personal idiosyncrasies, for a man often disclosed himself completely in debate. The few speeches of the senators of this period that have been preserved present some aspects of the speaker's argument, but they are written not so much in the speaker's as in the reporter's vocabulary; inevitably most of the record is not what the speaker actually said, but what the reporter thought he said. It is impossible to recover the debates of the Senate, but some light may be thrown on the motives that influenced the senators to vote as they did on important legislation by studying every contemporary source available. In addition to such sources as contemporary newspapers, Maclay's *Journal*, fragments of debates extant, the printed and manuscript copies of the Journals, and the Senate papers, consisting of letters, petitions, memorials, resolutions, bills, committee reports, "Minutes of Committees," the rough and transcribed corrected copies of the Journals, there are also the letters of the senators themselves. Some of these have been published and a few still remain in the hands of private owners or in public depositories; but many have been destroyed.

Since the debates of the Senate, with few exceptions, were not reported until the reporters were admitted to the floor of the Senate, beginning on January 5, 1802, the letters of the senators, both official and personal, constitute an important source. These should be collected and edited. From the induction of the federal government, members of Congress saw the need of keeping their constituents informed concerning their views on Congressional legislation. To meet this exigency they began to address letters to their constituents, many of which were printed in the newspapers and served as a modern campaign platform. Private letters to members of their families or to their friends often reveal their own political acumen and also that of their colleagues on

<sup>68</sup> See, for example, *ibid.*, October 27, 1791, and *Senate Journal*, 2 Cong., 1 Sess., 328.

important issues and vital legislation. No wonder John Adams wrote Jefferson, on June 30, 1813: "But, above all, shall I request you to collect the circular letters from members of Congress, in the middle and southern States, to their constituents? I would give all I am worth for a complete collection of those letters."<sup>69</sup>

<sup>69</sup> Adams (ed.), *Works of John Adams*, X, 48.

# Notes and Documents

## A NEW ENGLANDER'S IMPRESSIONS OF GEORGIA IN 1817-1818: EXTRACTS FROM THE DIARY OF EBENEZER KELLOGG

EDITED BY SIDNEY WALTER MARTIN

In 1817 Ebenezer Kellogg, who had been for the past two years the professor of languages at Williams College, Williamstown, Massachusetts, was advised by his physician to spend the coming winter in Georgia, where it was expected that rest in the warmer southern climate would enable him to regain his health. Apparently determined to make the best of a requirement which would take him away from his work and his friends, he conceived the idea of recording his experiences and reflections in a diary of his journey, which he obviously intended for the eyes of one of his colleagues in the faculty of the college. Because of the light which his diary throws on conditions in Georgia during the winter of 1817-1818 as viewed by an educated New Englander, extended extracts from it seem worthy of publication.

Born at Vernon, Connecticut, on October 25, 1789, and graduated from Yale College in 1810, Kellogg had taught from 1810 to 1812 in a New London (Connecticut) academy, but had not been satisfied with that work. He seems to have been an extremely pious youth, and during his stay at Yale he had been deeply influenced by a revival of religion on the campus. The continuation of that influence apparently led him to abandon teaching and to prepare himself for the ministry by entering Andover Theological Seminary. He was licensed to preach before he left the Seminary in 1815, but instead of following the profession of a minister he accepted the appoint-

ment at Williams College,<sup>1</sup> where he continued to teach for the remainder of his life.

Kellogg's duties at Williams College were varied and interesting, but he was not very popular with the students. Until 1827 he and Chester Dewey, professor of mathematics, were the only professors at the college.<sup>2</sup> They were assisted by two tutors, Jonathan E. Woodbridge and Joseph Hyde, and the president of the institution, Rev. Edward Dorr Griffin, who taught courses in Divinity.<sup>3</sup> Kellogg's associations with Dewey were very intimate, and the two men spent much of their leisure time together conversing on subjects of religion, science, and philosophy; and it was for Dewey that his diary was written.<sup>4</sup>

Entries were not made each day, but only when the diarist felt that what he was seeing and what he was thinking would be of interest to his friend; and it is possible that his many contacts in Georgia kept him from being punctual with the writing. His entries, which were begun on November 6, 1817, ended on March 13, 1818. Apparently the diary did not get back to New England with its author, and for that reason was never read by the man for whom it was written. Kellogg probably lost or misplaced it before he left Georgia, because it was found in a second-hand book store in the state about a quarter of a century ago, and was purchased by the University of Georgia librarian for a price "less than twenty dollars."<sup>5</sup> The manuscript is housed in the rare book collection of the University of Georgia Library. It consists of 134 pages of handwriting. It is in excellent condition and is very easy to read.

<sup>1</sup> Calvin Durfee, *A History of Williams College* (Boston, 1860), 104.

<sup>2</sup> Allen Johnson and Dumas Malone (eds.), *Dictionary of American Biography*, 20 vols. and index (New York, 1928-1937), V, 268.

<sup>3</sup> *Catalogue of the Officers and Students of Williams College*, October, 1824.

<sup>4</sup> Dewey was undoubtedly more distinguished than Kellogg. Williams College recently framed his certificate as Fellow of the American Academy of Arts and Sciences, dated 1818, and signed by John Quincy Adams and other important Harvard officials. This certificate was the first official recognition of Williams College as an institution of learning.

<sup>5</sup> Duncan Burnet made the purchase. He does not remember the exact time, nor the price paid for the diary.

Only those entries dealing with Georgia are given below, and some of the less interesting, philosophical portions have been omitted by the editor.<sup>6</sup> Kellogg's description of his journey from Williamstown to Savannah is too long to be included here. His first stop was made at Albany, New York, and from there he went to New York City by way of the Hudson River.<sup>7</sup> On November 19 he sailed for Charleston, and arrived in that city on November 26.<sup>8</sup> His description of Charleston was none too complimentary, though he could tolerate the place very well. "The first appearance of Charleston to a stranger who has seen the better cities of the northern states is rather mean," he noted.<sup>9</sup> He was extremely interested in the various churches in Charleston, and became acquainted with several of the pastors during his stay there. On December 16 he left for Savannah, arriving there three days later.<sup>10</sup> After he had visited Savannah and other places along the Georgia coast he turned inland (March 13, 1818), going only a few miles on horseback each day. After spending several weeks in Middle Georgia, he returned to Williamstown in the late spring, and resumed his duties at Williams College.<sup>11</sup> He never fully regained his strength, but continued to teach until he died in Williamstown, in October, 1846, at the age of fifty-seven.<sup>12</sup>

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Dec. 19 [1817]. Savannah. I came ashore at sunset, after a tedious passage up the river. The town is twenty miles from the bar of the river, the passage is in many places made very narrow by the mud shoals extending out from the river bank. We were twenty-four hours in getting up, having the wind directly ahead. The banks of the river are everywhere low, and marshy to a considerable distance. The marshes are covered with reeds and high grass, with a few low bushes, beyond which you see nothing, but at a considerable distance, black forests (of cypress, as I believe).

<sup>6</sup> Kellogg wrote much in the diary about religion and philosophy, which had no bearing on his journey to Georgia.

<sup>7</sup> Kellogg Diary, 8.

<sup>8</sup> *Ibid.*, 14.

<sup>9</sup> *Ibid.*, 27.

<sup>10</sup> *Ibid.*, 74.

<sup>11</sup> *Ibid.*, 133-34.

<sup>12</sup> Durfee, *History of Williams College*, 264.

The word bluff is one which is used I believe only in the geography of America, and to the south. In going up to Savannah we passed two or three bluffs, and then for the first time I exactly understood what is meant by the word. It is applied to a situation which cannot be found among us. Savannah stands on a sandy bluff about forty feet high and a mile in length—that is, the bank of the river on that side, instead of a marsh into which every tide flows, to a distance from the river presents, suddenly, a steep sandy bank, and from the top of this bank the country goes off, nearly or quite on a level with the top of it. The bank is of dry sliding, fine sand, in which a man sinks to the ankle. The wharves are of course between the river and the bluff. Twelve rods from the wharf the land is so high, you seem entirely above the shipping at the wharf. Going a few rods above or below the town, along the river bank, you plunge into these morasses, which are too low even for rice swamps. This elevation of land on which the town stands extends back from the river, I am told, six or seven miles. The shore opposite the town is low and marshy as usual. Nor have I ever seen bluffs on the two sides opposite to each other, as if the river had made itself a passage through a tract higher than the country above and below.

Dec. 20. On first entering Savannah, as I did, to pass through several open squares in succession, you might think that the town is built without any plan; and the buildings might seem placed as if thrown down at hazzard. . . .

The irregular appearance of the town is produced by the open squares which interrupt every other broad street. Numbering the broad streets running north and south, and also those running east and west; the second, fourth, and sixth of the first, at their intersection with the second, that is, stop short at an inclosed area of about an acre. The acre contains, besides the plot on which the two streets should cross each other, a small square from a corner of each of the four adjacent squares. A street runs around this unbuilt, inclosed square. Foot walks cross it in continuation of those on the sides of the intercepted streets. In the centre of this reserved square is a pump, and commonly, an engine house. You will readily see that each reserved square has around it eight excellent building sites for. [*sic*] Many of them are occupied by publick buildings, as banks, churches, taverns, or by stores; many by elegant dwelling houses. The variety in the size and structure of these, with the want of yards, which are not common before private houses, makes the town appear quite irregular. Pass into the next broad street, and you see the regularity of New York.

The town is for the most part very poorly built, having few buildings of brick or stone, and those of wood, often poor and mean and very rarely well painted. A fire, in 1796 nearly destroyed the town. It is exposed to a repetition of the same catastrophe.

I experienced to day the benefit of having several letters to one town. I was

furnished with [an] introduction [to] Rob. J. Houston,<sup>13</sup> Esquire, Mr. Mason,<sup>14</sup> merchant, Thos. Young,<sup>15</sup> Esquire, Hon Alfred Cuthbert,<sup>16</sup> and Mr. S. C. Dumming, merchant. The first I found resides a few miles out of town, the second was on a journey to Augusta, the third had gone to spend the day at his plantation, the fourth was attending the state legislature, of which he is a member, the last I found at his counting house. If you are so fortunate as to find the gentleman, to whom you are directed, at home, may be he has not leisure, or his friends may be sick, or they may not be such as you ought to know. I shall, therefore, hardly think I can have too many letters, on going to a strange place. Another advantage of having two or three separate introductions is the opportunity to see the character of the town, more in its variety. The gentleman to whom you are sent will introduce you of course to his friends. They will be likely to have considerable similarity of character, and opinions. Another gentleman might introduce you to another set of men of very different sentiments, and from whom you would derive another kind of information, you might, from them hear the other side of such subjects as have two sides. There is some danger that by this means you will be put into a situation where you must be very cautious in the use of the information given you by your new acquaintance. You must be careful not to bring out any disagreeable results, if you should be subjected to a kind of cross-questioning from them. It may be sometimes necessary to choose into which circle you will fall, and neglect the other. To do this with good manners is sometimes difficult. I experienced this at Charleston. . . .

Dec. 21. Sabbath. I went this morning to the Presbyterian church and heard the Rev. Dr. Kollock.<sup>17</sup> I went with many prejudices against him, both as a man and as a preacher. Perhaps I returned with a better opinion of him in the latter character than if I had before believed the praises of his friend. . . .

Dec. 23.<sup>18</sup> Rambling to day along the south border of the town, I found the

<sup>13</sup> Robert James Houstoun (rather than Houston) was a prominent resident of Savannah, son of Sir George Houstoun and the nephew of John Houstoun who was twice governor of Georgia. Edith D. Johnston, *The Houstouns of Georgia* (MS. in private possession).

<sup>14</sup> Either Thomas Mason, William Mason, or Wingfield Mason.

<sup>15</sup> Thomas Young was a wealthy plantation owner, living northeast of Savannah. He maintained a home in Savannah and served as a director of Planter's Bank for several years. See *Columbian Museum and Savannah Daily Gazette*, March 8, 1817.

<sup>16</sup> Alfred Cuthbert (1786-1856) of Savannah, was graduated from Princeton, 1803, and practiced law in Monticello, Jasper County, Georgia. He was a member of the state legislature, and was later elected to Congress. See *Memoirs of Georgia*, 2 vols. (Atlanta, 1895), I, 247.

<sup>17</sup> Henry Kollock (1778-1819) was pastor of the Independent Presbyterian Church of Savannah from 1806 to 1819. In 1810 he was elected president of the University of Georgia by the trustees, but refused to accept the position. See E. Merton Coulter, *College Life in the Old South* (New York, 1928), 25.

<sup>18</sup> No entry was made for December 22.

burying ground. It is entirely beyond the town, and is enclosed by a thick wall of brick, near three yards high. I entered by the gate. I saw here a great number of recent graves. These died in this town during the sickly months, about three hundred. A great number of tombs are seen here all built of brick—many little inclosures of woodpickets, containing two or three graves—over which are often planted various shrubs, as well as over many which are not enclosed. Marble tables, pillars and slabs are comparatively few, being very expensive here. A cheap and neat record of the name of the death is made by placing a narrow board neatly worked, between two posts half a yard in height, placed at the ends of the grave. On this board, commonly of pine, there is room to carve the name, age, of the deceased. It lasts, sometimes twenty, thirty or even forty years. A considerable number of trees are planted in the yard, especially the China tree, and the long leafed pine: the latter of which sighs to the passing wind more deeply than ours. I here recollected the account given me at Charleston of a burying ground a few miles north of the city, in which there had been no late interments, and which was overgrown with long grass, and the heads of the few monuments which had been raised were swept by the long trails of moss that depended from an immense live oak that spread its long horizontal branches over nearly the whole of this lonely resting place of the dead. You will call to mind the account of the place where "Old Mortality" is found in the "Tales of my Landlord."

Dec. 24. I was introduced today by Thomas Young Esquire to Dr. Kollock. I never found more difficulty in satisfying myself in the earnest effort we always make on such an occasion, to make the broad lines of character. Dr. Kollock's manner was apparently embarrassed.

At this place I hear nothing but talk of the price of cotton. The Georgians are madly devoted to cotton. Last year there were exported from Savannah a hundred and six thousand bales of upland, and ten thousand of sea Island. Of the latter there is this year a very short crop—not more than two or three thousand bales are expected in market. Large quantities of the cotton bought here come from the Carolina side of the river.

A few days since traversing the town I found a new church going up. I learnt by enquiring, as Yankee has a right to do, that it is intended for Dr. Kollock and his congregation, their present house being small and poor. The new one is expected to cost one hundred thousand dollars. About fifty mechanics all from New England, are employed upon it in the winter and go home every summer. Three winters are reckoned sufficient for its completion; this is the second. It is built of granite from Massachusetts and Rhode Island, hammered, part of it, as I believe, at the State Prison. The church will be very large.

Dec. 25. Christmas day I set out for Liberty County in the stage at 4 o'clock in the morning. The trees were at that hour dripping with a plentiful dew,



while I was waiting at the door for the stage the mosquitoes buzzed about me, and we heard the croaking of the frogs as we drove through the swamps which commence within a short distance of the town. Every thing corresponded to the seasons of early autumn in our climate

At eleven o'clock we reached Midway meeting house, thirty miles from Savannah, and half way to Darien at the mouth of the Alibama. There is no stage south of Darien. The mail is carried upon a horse to St. Mary's. I found the people collected at Midway meeting house, to unite in publick religious services on this joyful anniversary. It was also the anniversary of a Bible Society of this and the neighboring counties. I found here Col. Law,<sup>19</sup> and Oliver Stevens Esquire,<sup>20</sup> to whom I had letters. I, therefore left the stage, and after hearing a sermon, was carried by Col. Law to his hospitable residence, four or five miles south of Riceborough, where the courts of the country are held.

During this day's ride, I have for the first time seen the country, beyond the borders of a large town and the banks of a river. Its features are very forbidding to one who is accustomed to the hills and vales, the general cultivation and well built villages of New England. But I will not attempt to tell you, my Dear Sir, how dreary a face it wears to him, who at this distance values nothing but as it furnishes some memento of friends a thousand miles off and days gone by, with little hope of return. How many times have I wished myself in one of your great chairs, yourself in another, and Madam in her corner, within reach of her workpocket. I have thought the calm and easy motions of the little circle would have a more soothing and a kindlier influence on my dis-tempered system than the mildness of a southern sky.

Dec. 26. Col. Law is a gentleman planter, who resides on his plantation in winter, and spends the sickly season on Colonel's Island. He has of course two houses and of some things, what is necessary for two establishments. He works about thirty hands, and in the best seasons makes a crop which is worth ten thousand dollars. In his amiable family I find much to make me forget I am a stranger. No acts of kindness are omitted to render my situation comfortable and pleasant. But it is in the religious services of this worthy man that I find most to admire, and to gratify my sympathy. Morning and evening his family are all assembled and commence their devotions by singing a hymn, which is deaconed off by the Father, and sung by the whole family. They were led by his son a young man of eighteen. The Father then reads a chapter from the bible with a good quantity of the notes and observations of Scott, and prays with great fervour and propriety, and richness of language, kneeling with his family around him in the same attitude. Family devotion is not here, as

<sup>19</sup> William Law was a prominent Liberty County planter. Identified further in entry for December 26.

<sup>20</sup> Oliver Stevens was a prominent Baptist layman in Liberty County. See *Columbian Museum and Savannah Daily Gazette*, December 15, 1818.

I have often seen it hurried off with all possible despatch, but is performed deliberately as if it were of much importance as anything else which is to be done.

Dec. 27. This is a rainy comfortless day. A rainy day seems especially gloomy in a country like this, already half covered with water. I had a fire built for my accommodation in the chamber. But as there was no glazed window in the room I was obliged to write by candle at midday.

Riding out yesterday a few miles horseback, I had opportunity to look at the country somewhat more distinctly than when in the stage. But I shall wait till I see more of it before I attempt to describe it.

Dec. 29.<sup>21</sup> To day I left the hospitable mansion of Col. Law. The Rev. Mr. McWhir,<sup>22</sup> to whom I had a letter from Dr. Porter, and whom I saw at Midway meeting house, called for me and set me down this evening at his house three miles south of Sunbury.

Jan. 1 [1818].<sup>23</sup> This day begins a new year, and reminds us of the goodness of him who has preserved us to behold it. For myself, I have many mercies to recollect, and some corrections which calls me to humiliation and amendments. It is a common fault to permit one evil to occupy our minds more than a thousand blessings. This results I think necessarily from the constitution of our nature. It is not therefore to be blamed if in our pursuit our efforts are directed to the removal of the evils we experience. But in acts of devotion, which are acts of reflexion, our mercies ought to be reckoned in full enumeration. The loss of health and the evils incident to it are the only thing of much importance which I have to mention as an affliction, while my mercies are almost infinite. It is one which I am especially bound to remember, that I experience so much kindness from strangers.

I find in this place both forms of the leaves of *Juniperus sabina* growing on one plant, and have put up specimens, though I doubt not you may find just such at Pownal.<sup>24</sup> The people here call it cedar. It is very shrubby. They say that up in the country it grows larger and better, and that it is the cedar used with live oak in ship building. The best southern ships are built of these. The yellow jessamine is a very beautiful evergreen in the woods along the coast. It has an abundant foliage, and throws its numerous and slender branches over the fences and shrubs, often quite covering them. Its blossom is beautiful and fragrant. I have collected specimens for your herbarium. You may find a full description of it in the supplement to the old Encyclopedia under the word *Jeffersonia*. It was so named but for a few years ago. I could not help being

<sup>21</sup> No entry was made for December 28.

<sup>22</sup> William McWhir was a Presbyterian minister at Sunbury. In 1824 he was sent by the synod of Georgia as the first Presbyterian minister to St. Augustine. See Sidney Walter Martin, *Florida during the Territorial Days* (Athens, 1944), 210.

<sup>23</sup> No entries were made for December 30 and 31.

<sup>24</sup> A small place in Massachusetts, not far from Williamstown, through which he had passed on his journey South.

angry that such a beautiful plant should take the name of a wrong headed politician, while the great Muhlenberg has nothing but a puny grass; and that is disputed with him.

I rode this afternoon to Sunbury in company with my kind and attentive host. The town is beautifully situated, but very much gone to decay.<sup>25</sup> It formerly had corporate privileges as a city, and was visited annually [by] a great number of square-rigged vessels. Now there are less than twenty householders, it has lost its corporate privileges, for the want of a sufficient population you can hardly find where the wharves once were, and there remains nothing to give it any consequence except its Academy. Even this is now of little reputation. The Trustees, however, are attempting to revive it, and Mr. Chauncey G. Lee,<sup>26</sup> of Connecticut, a graduate from Middlebury College has just arrived to take charge of it. He was in the village this afternoon. We called at his lodgings but he was gone out. The place is counted very healthful, and Mr. Lee may collect here a great number of students, if he is a popular instructor. The produce which was formerly shipped from this place, is now sent from Riceborough, a little village ten miles back, standing on North Newport river. Up this stream into which the tide flows up to the borough, and which is often not more than twenty or thirty yards wide, sloops enter and drift up with the tide. The channel is too crooked and narrow to sail up. Several sloops were lying at the borough as I passed it a few days since. They come yearly from New England, and spend the winter in carrying produce from different parts of the coast to Savannah. They are called drogers. They are close dealers, carry on a small [*sic*] of their own, and hold much the same place on the coast as peddlars do in the interior. Neither do much honour to the Yankee character.

In the gardens here I saw very large orange trees (*Citrus aurantium*) We saw on them a few green oranges. At Savannah, in the gardens I saw some that had the colour of ripeness. This fruit requires much care and is liable to many accidents here. On St. Simon's Island, and in Florida it grows in perfection and with little care.

It was sunset before we set out on our return to Sprin[g]field as my friend calls the place of his residence. Here as in England, every man's residence has its own name. Palmyra is about forty rods from Mr. McWhir's and is the seat [of] John A. Cuthbert<sup>27</sup> Esquire. The Hon. John Elliott<sup>28</sup> resides at Laurel

<sup>25</sup> Sunbury has since become one of Georgia's dead towns.

<sup>26</sup> Chauncey G. Lee was originally from Ridgefield, Connecticut, and while he was living in Georgia married Miss Anna Stevens, also of Connecticut.

<sup>27</sup> John A. Cuthbert (1788-1882) of Savannah, was graduated from Princeton in 1805. He became an able lawyer, and was elected to Congress from Georgia. In 1837 he moved to Alabama, and in 1840 was elected by the General Assembly of that state to serve as the judge of the Court of Mobile. He was a brother of Alfred Cuthbert. See William J. Northern (ed.), *Men of Mark in Georgia*, 6 vols. (Atlanta, 1907-1912), II, 243.

<sup>28</sup> John Elliott, lawyer and United States senator, was the grandson of John Elliott,

View, a small distance from Sunbury. As we returned this evening we felt the chilly vapours of evening and hear the frogs peeping in the marshes. The day has been as mild as a May day with us. My companion rode with only a straitbodied coat though we were horseback. The slaves were at work in the field with the hoe, without any other garment than a pair of pantaloons or a petticoat. . . .

In this part of the country little is cultivated except Sea island cotton and rice. The planters intend, besides these to make provisions enough for their own hands. The sugar cane has been cultivated with some success here—but it is considered an uncertain crop, and will not immediately be extensively introduced. The syrup, or boiled juice to the proper consistency is a very fine molasses. In a bottle of this which had stood some months, a large number of very hard and pure chrystals had been formed, I attempted to ascertain their form. They seemed to be short six sided prisms. You can hardly imagine how often I find occasion to regret that I have neither books of reference at hand, nor learned friends to render them unnecessary. The sugar made here is very well grained and very pure—but has a taste unlike the imported. I think the molasses was not well drained from it. The cane stalk is very like a corn stalk, but is larger, harder, rounder, and with shorter joints. Its juice is abundant, and is very much like that of the cornstalk in taste, but sweeter. Children are very fond of it. The stalks are carried to Charleston where I have often seen them, a yard long, standing at the door of the little shops at six cents a piece.

Some planters here, especially on the islands possess immense estates and large incomes. Major Butler<sup>29</sup> of Philadelphia has a plantation on St. Simon's Island on which he has about a thousand negroes. His overseer has a salary of twelve hundred dollars per annum. His privileges make the situation worth three thousand. Mr. Cooper,<sup>30</sup> on the same island, is a larger planter than Maj. Butler, and has in some seasons, made six hundred bales of cotton, which at the present prices would be worth near a hundred thousand dollars. Mr. Hamilton,<sup>31</sup> another planter on St. Simon's lost fifty thousand dollars in the late war, by the carrying off of his negroes. . . .

who was one of the original settlers of the famous Midway Colony in Liberty County. See Lucien L. Knight, *Reminiscences of Famous Georgians*, 2 vols. (Atlanta, 1907-1908), I, 20-24.

<sup>29</sup> Major Butler was a wealthy planter. His grandson, Pierce Butler, married Fanny Kemble, the famous English actress, who found living in Georgia much to her dislike. See Margaret N. Armstrong, *Fanny Kemble; A Passionate Victorian* (New York, 1938), 180.

<sup>30</sup> Probably speaking of James Hamilton Couper (rather than Cooper), whose home was at Hopeton, on the Altamaha River. See E. Merton Coulter, *A Short History of Georgia* (Chapel Hill, 1933), 251.

<sup>31</sup> Either Talbot Hamilton or William Hamilton.

Jan. 4.<sup>32</sup> Sabbath. This morning I took leave of my kind friend. He sent his servant with me to Midway meeting house, where I found Oliver Stevens Esquire, to whom I brought a letter from New England which I delivered on my first coming to the county. I found assembled at this place a respectable congregation, in many respects very much like a New England parish. The people of this part of the country are many of them descended from New England people, and, I am disposed to think with one of them that they resemble the Yankees in language more than they do the people of other parts of the state, particularly the western. The county was first settled by a company from Dorchester in South Carolina, to which place they came from a town of the same name in Massachusetts. They have a very respectable house for public worship on the great road Midway from Savannah to Darien at the mouth of the Altamahaw, which are the two places of importance in this part of the State.

Jan. 5. In charitable efforts, the people of this county, love to go with the people of the north. They have given liberally to the Societies of New England, for Education and Missionary purposes. They have cent Societies, their Bible Society, and Charity school society, and maintain them with a good degree of zeal. . . .

It is now nearly a year since the Charity school Society in this county began its labours. They maintain five teachers in the remote parts of the county, mostly in the western part, with salaries of two hundred and fifty dollars each. Their schools they remove from place to place as they think best. They are frequently visited by a committee of the Society; and it was in the performance of the duties of this committee that, my good friend, Mr. McWhir brought on a fever of great severity and long continuance, and which was long expected to prove fatal. The people among whom these schools were established, were at first very jealous of the design. They feared it was part of a scheme for making the poor more dependent on the rich. They are now beginning to think better, and are anxious to forward the designs of the Society. Of their need of some means of instruction, the following fact mentioned to me by Col. Law, is a sufficient proof. Out of a hundred children only two could repeat the Lord's prayer.

The respect for Northern principles and institutions is preserved in some measure, as well as evidenced by the practice of sending their young men to the North for education. Within a few miles of this place, are Mr. Elliott, Mr. Dunwoody,<sup>33</sup> Mr. Stevens, Mr. Winn,<sup>34</sup> alumni of Yale, and Mr. J. A. Cuthbert an alumnus of Nassau Hall. They and their family connexions are among the foremost men in the country.

<sup>32</sup> No entry was made for January 2, and the entry for January 3 has been omitted by the editor.

<sup>33</sup> James Dunwoody, a planter.

<sup>34</sup> Either George Winn or Peter Winn.

Mr. Stevens, with whom I lodge is also a New Englandman, raised in New Hampshire, and still cherishes a fond attachment to our habits and principles. He is indeed a complete Yankee still, only that he owns negroes and eats bacon. Four or five years ago he brought his wife to New England, and she admires us little less than he. With such people I talked much of course about our own dear, frozen region. Our hearts were warmed with the subject, and what matters it if ice, and snow, and hail, and piercing winds filled the country. A stranger thus situated has however some difficulty in listening to the praises of his country with decorum. He hears them, when abroad with a pleasure as intense as we feel in knowing that we are personally esteemed, and is in a situation much like his who is praised to his face, with this additional embarrassment: He who is praised to his face, sets his company down for warm flatterers, with whom he need not himself be very much embarrassed. He who hears his country praised, cannot find an excuse for his any impropriety in his own conduct, in the want of delicacy in others. Besides this, strangers commonly praise or blame your country without exactly understanding "whereof they affirm." If at every turn you take the trouble to adjust their views to the actual state of things, you have the task of Hercules on your hands. If you do not they may afterward be better informed some way else, and give you the credit of running away with a compliment you was conscious you did not deserve.

Jan. 7.<sup>35</sup> I here for the first time see the manner in which rice is prepared for market. I have taken from the rice stack specimens of the several kinds of rice, the gold rice, the white the volunteer rice, and a blasted stalk. These Mrs. Stevens has kindly sewed up in a linen rag. I hope to bring them to you in such preservation as to satisfy in some measure your curiosity and furnish specimens for your Herbarium. The volunteer rice is that which springs from seed that fell off in the last harvest, and has lain in the ground during the winter. You may find it among the rice in market, partially covered with a red skin. This is so troublesome that rice lands are sometimes left uncultivated one season, to give opportunity to destroy the volunteer rice; for as this shells very easily it goes on increasing from year to year.

I have already said that the people here have a great number of houseservants, in this family which is by no means wealthy, having only 15 working hands and thirty negroes in all, the duties of the house employ one woman, one young woman of seventeen perhaps, a boy of fourteen, a girl of eleven, and a boy near the same age. In one family of three white persons, where I spent a week, the house servants were three adults a girl of twelve and one of six. These you will recollect are in the country and here also there is nothing of spinning weaving and the other domestic manufactures that make the burden of the labour of women in New England. The work of these servants, cannot therefore be severe. It is on the contrary much lighter than that of hired domestics in

<sup>35</sup> No entry was made for January 6.

New England. Yet light as it is, the blacks always prefer field work. The wenches choose to use the hoe in the rich swamps, in July and August, and live on eight quarts of corn a week rather than live in the families of their masters and eat the food carried from their tables; which, except that [it] is broken is nearly as good as the first cut. I do not mean, however, to assert, for I do not know it is true, that there are no severe turns of field work, which are not reckoned severer than the work of the house. But field work, on the whole, including the above named circumstances of hardship, on which the imagination of strangers is apt to dwell with so much anger at their owners and commiseration for the labourers, is almost universally preferred to the duties of the house.

Nor do I think this preference arises from a dread of the temper of the Master or mistress, or the domineering spirit of the white children. These are doubtless, of some account. But I have no hesitation in receiving the explanation commonly given; that field work is task-work and when the task is done, the rest of the day is play time. The tasks are commonly finished before night, and the servant can then go any where upon the plantation; and by asking leave, anywhere in the neighborhood; or spend the remainder of the afternoon and the evening in idleness, conversation. To those who labour severely, immunity from toil is positive and high enjoyment. And the easy and gay spirit which distinguishes the negro, and especially the negro slave who is not over-worked, makes their hours of leisure ever merry and sportive. But the house servant is liable always to be called on—may never be away; and can never go to rest till the family has gone to bed; and though allowed to loiter much of the day on chairs and fences, and sleep at evening in halls and kitchens, yet the confinement is more irksome than the labour of the hoe. Even the better opportunities for acquiring finery, of which the blacks are here as with us excessively fond, the better dress of the house servants is insufficient to reconcile them to the house.

The slaves often enjoy considerable property. The driver of Mr. McWhir, besides an intire exemption from the common labour of the field, possesses a considerable number of hogs, geese, turkies and fowls, from which he sells to his master and others considerable quantities annually. He raises corn and potatoes also much more than enough for himself and family, and on holy days can dress in clothes almost as good as his master's.

An old servant in the family of Mr. Stevens is an accoucheur, and has a considerable income from the neighboring plantations. She even receives from her master the customary fee of three dollars, at every birth among his negroes. She keeps a horse to be able to go with despatch and to ride where she pleases. Her horse lately died, but she had money sufficient to buy another, and was without one a shorter time than most of our poor people would have been, on experiencing such a loss. Mr. Stevens told me also that his negroes had more hogs on the plantation than he himself possessed, and had also three or four

cows. A negro on another estate raised and sold cotton this season to the amount of forty dollars.

It is a customary thing to give every negro as much ground for corn as he pleases to tend. Hogs and stock may be raised in most places with very little labour or expense or care. The negroes on the salts also procure large quantities of oysters, with less trouble than would be compensated by twenty five cents a bushel.

It is yet doubtless true that the greater part of negroes have nothing for food except the weekly allowance from their masters. The privileges of raising hogs, poultry and stock, it is obvious could be generally enjoyed. Large estates worked [by] a great number of hands would be overrun by the hogs and cattle of the servants. But there is little occasion to deny this privilege to those who would avail themselves of it; for most of them are too indolent and too careless of the future to do, even for their own benefit, any thing which is not commanded. Many of them neglect to cultivate the little spot that is always allowed them for raising vegetables and corn. They are hardly willing to spend upon the time which is given them expressly for this purpose.

Their allowance too is more comfortable than we have been in the habit of supposing. . . . Mr McWhir gives a peck of corn or four [pecks of] potatoes [per week]. Mr. Stevens gives a peck of corn or four quarts [of corn] and half a bushel of potatoes. This is the allowance to adults. Children receive proportionally, or as the Georgians say, measurably less. They sometimes give money instead of corn, and the negro feeds himself. This is, however, rare. But it is very common for the negro to save a part of his corn, and sell it, either to his master, or oftener at the nearest shop, usually for rum. At a certain time in the week, all the negroes on the plantation receive from the storehouse their allowance, which, if it is corn, they grind by hand at a little mill, which is every where as necessary an appendage to a deck load of mill stones from Charleston to Savannah. It occurred to me that some passages of Scripture must [have] a neatness and force to those who use these hand mills, that is lost to us. Iron mills, much like our coffee mills, but larger, are coming to be used; but the old stone mills are preferred as being more economical.

The duty of masters to their servants very much engages the attention of people in this county. Some question belonging to the general subject is often discussed by a Library Society, consisting of the most intelligent and sober men in the place, who meet quarterly, have an oration, and discuss questions moral, political and agricultural. A question for the meeting next after my visit was this, whether it would not be better to institute some scheme for regular reading of the Scriptures to their servants in family and larger collections, instead of attempting to learn them to read? I am persuaded that a great number of the planters here treat their slaves with much kindness.

It is a difficult question in the minds of many. Whether they ought to require



the presence of the blacks at family prayers. And it seems to be the prevalent opinion that it is not expedient to compel their attendance. In two families where I have spent some time in this county, it is the constant practice to ring the bell to give notice to the negroes. Very few attend. In the family of Mr. Stevens, it was uncommon to see any of them, though there were among his people about a half a dozen professors of religion of whom he professed to hope well. One or two families of them have prayers in their own cabins.

Notwithstanding the general mildness of temper toward the negroes, manifested in the families where I have been in this county, I witnessed some things which seemed hard. One gentleman sent his gang three miles, after the labour of the day to bring cotton seed. They brought it upon their heads, a bushel each, and reached home at nine o'clock in the evening. The driver was scolded severely that they had not brought two bushels each; and was directed to take them again on the next day after their work, to bring another turn. When the driver had gone out I enquired what use he made of the seed. He replied that it was very excellent manure and he was fixing a potato patch near his house!

At another gentleman's house, I asked whether horses or oxen were used in this country for common work, such as drawing wood for fuel. "O Sir," said he, "our people each of them, bring home a stick of wood, and that is sufficient." At another plantation, a gang of eight or ten were sent [to] the woods, on a rainy day after fuel. They returned bringing sixty or eighty rods, large sticks, such as I could hardly lift, when in health. They all, fellows and wenches, carry all burdens upon their heads. I was surprised to see the weight they can carry thus, and the steadiness with which they will bear it. Baskets of oranges or apples in the towns, tubs of water holding six or seven gallons, bundles of wood rough and cragged are all placed on the head. I have seen what I judged a bushel of potatoes carried thus, and the head and neck seemed at liberty, almost as if without any burden. A negro's scull is proverbially thick, and they seem to be a stiffnecked race without any figure. The people doubtless find that negroes eat less corn than horses, which are besides, very dear in this country, and apt to prove short lived.

Jan. 8. The country which I have seen south of Savannah is almost a dead level. The swamps, or rice grounds, are at this season mostly covered with water. The division of the country between cotton and corn lands is very singular. Parallel to the courses of the great rivers, or their branches, run an immense number of swamps, often very narrow perhaps forty rods wide, sometimes wider. These swamps are many miles in length and separated by sandy levels which are a few feet higher. They sometimes unite, and sometimes branch, diverging a little from their general course. The proportion of swamp to upland is about one fourth, at the distance of this place from the sea. Fifteen or twenty miles further back, there is very little rice swamp. These long swamps are covered with a heavy native growth of black cypress, tupelos. When under cul-

tivation they are crossed by mounds of earth, at the distance of a mile perhaps, to stop the water and raise it upon the rice ground; Or, as is often the case, are used to prevent the water from drowning the rice; the field having a dam at each end, and a canal by the side. A wheel turned by hand is sometimes used to throw water over the dam. The swamps are not deep mud but a layer of loam upon a bottom of sand or hard clay. The cultivation of rice in these swamps is much more uncertain than in swamps adjacent to tidewater. Too much rain or too little will alike disappoint the hopes of the planter. But if the ground is uncovered until the rice can be planted, and come up, and take the green colour which like young rye, it puts on when a few days old, there is little danger of its being drowned. The culture of rice is more laborious than that of cotton, and is reckoned more unhealthy—and it makes more work for the negroes in winter, than a corn or cotton plantation. But the negroes prefer it commonly to cotton. They get broken rice for themselves, and the stock and poultry on the plantation, of which they possess a part, are more numerous and live better. Hog meat and big (unbroken) rice satisfy the best notions a negro has of good eating.

The corn and cotton land is but a little raised above the swamps, and the earth, a little below the surface, is filled with water during a large part of the year. Hence no cellars are found; and if, as is the case with this house, there is no yard to keep hogs at distance, they sleep and quarrel under your parlor and bed room. Just at this time the weather happens to be cold, and about half a dozen families of hogs growl and squeal nightly for the best place under the house. To prevent their coming under the house there is neither stone brick or boarding to prevent. All houses here are set like the Dutch Stadthouse upon piles, every building in this respect looking like one of our corn houses. This too is the result of necessity. The country contains no stone—and the clay makes bad brick.

The want of cellars prevents the use of pickled meat, and obliges the people to dry all their provisions. A smoke house is as much a matter of course here as a meat barrel with us, and always stands at a little distance, commonly emulating in size the kitchen. These with the corn house, the rice barn, the cotton house, the gin house, the stable and the negro houses make quite a little cluster of roofs on the estate of every planter of moderate property. All these, except the last, are of course kept under lock and key. The mistress of the house is often miserably loaded with one or two bunches of keys. Every drawer, and every room, must be unlocked as often as it is visited, and locked again. The inconvenience from this source would at first be intolerable to a northern house-keeper. But use reconciles us to every thing—except shutting the doors after the servants, and masters too, in this country.<sup>36</sup>

<sup>36</sup> The next entry is that for March 13, which is not pertinent here and is therefore omitted.

GENERAL WILLIAM J. HARDEE AND CONFEDERATE  
PUBLICATION RIGHTS

EDITED BY THOMAS CONN BRYAN

Although William J. Hardee, of Georgia, is remembered primarily as having been a secondary military leader of the Confederate Army, he won distinction also as the author of a widely used manual of military science, *Rifle and Light Infantry Tactics*, familiarly known as Hardee's *Tactics*.<sup>1</sup> During the war with Mexico, 1846-1848, Hardee won the admiration and confidence of Jefferson Davis;<sup>2</sup> and the latter, as Secretary of War, detailed him in 1853 to prepare a system of tactics which would be better adapted for the use of the infantry of the United States Army than that then in use.<sup>3</sup>

For approximately a year Brevet Lieutenant Colonel Hardee, as chairman of a board of military officers appointed to do the work, was engaged in compiling the official military manual. As the French Army was considered to be the best military organization in Europe,<sup>4</sup> Hardee used a French tactics book, *L'Exercice et Manoeuvres des Bataillons de Chasseurs à Pied*,<sup>5</sup> as the basis for his American work.<sup>6</sup> In two volumes,<sup>7</sup>

<sup>1</sup> The complete title is: *Rifle and Light Infantry Tactics; for the Exercise and Manoeuvres of Troops when Acting as Light Infantry or Riflemen, and for the Observance of the Militia when so Employed* (Philadelphia, 1855).

<sup>2</sup> Davis was responsible for the appointment of Hardee as commandant of cadets at West Point, a position which the latter held from 1856 to 1860.

<sup>3</sup> See the statement by Jefferson Davis on the front flyleaf of Hardee's *Rifle and Light Infantry Tactics* (Philadelphia, 1855).

<sup>4</sup> As late as 1870 the French Army was generally considered to be the best one in Europe. See Adolphus W. Ward and others (eds.), *Cambridge Modern History*, 13 vols. (New York, 1902-1912), XI, 581.

<sup>5</sup> *L'Exercice et Manoeuvres des Bataillons de Chasseurs à Pied*; I<sup>re</sup> Partie, *Ecole du Soldat et de Peloton* (Paris, 1852); II<sup>e</sup> Partie, *Ecole de Bataillon* (Paris, 1845). The work was prepared by the French Secretary of State for War in compliance with an ordinance issued by King Louis Philippe on July 22, 1845. See *ibid.*, Pt. II, 193. A copy of the French work is in the Library of the United States Army War College, Washington, D. C.

<sup>6</sup> Hardee had been sent to France in 1840 by the United States Secretary of War to study the French cavalry methods. For two years he had remained at the military school of Saumur, about eighty leagues from Paris.

<sup>7</sup> Volume I was entitled "Schools of the Soldier and Company; Instruction for Skirmishers"; Volume II was the "School of the Battalion," and gave instructions of a more general nature than those included in Volume I.

Hardee's *Tactics* was largely eclectic rather than original and was chiefly a literal translation of the French work.<sup>8</sup> The work by Hardee paralleled the French manual step by step except for occasional variations and adaptations in order to conform with the organization of the United States Army.<sup>9</sup> Hardee's *Tactics*, as modified by the revising board of officers, was adopted on March 29, 1855, for the use of the army and militia of the United States.<sup>10</sup>

The contract for publishing the *Tactics* was made by Hardee with Lippincott, Grambo and Company, of Philadelphia. The United States Congress made an appropriation to assist in its publication, on condition that the publishers should furnish the government eighteen thousand copies at one dollar a copy. This condition was agreed upon, and Hardee's contract with the publishers provided that they should pay him a definite amount per copy for each copy sold above the government purchase.<sup>11</sup>

From the time of its publication, Hardee's *Tactics* proved to be immensely popular. Jefferson Davis wrote to Lippincott and Company on March 7, 1860, that "The frequent demands made upon me for copies of Hardee's *Tactics* induces me to suppose that it is not generally known that the work may be purchased from the publisher, and to suggest to you that you should advertise it for sale."<sup>12</sup>

<sup>8</sup> Lieutenant Stephen Vincent Benét, Ordnance Corps, United States Army, was the translator who assisted Hardee in compiling the manual. George W. Cullum, *Biographical Register of the Officers and Graduates of the United States Military Academy*, 2 vols. (New York, 1868), I, 561; II, 229.

<sup>9</sup> In some instances the ranks and duties of the American officers were different from those of the French. On the other hand, many of the paragraphs in the two works were literally the same. The tables of contents of the two books were almost equivalent, the bugle calls were very similar, and the illustrations were identical.

<sup>10</sup> As part of an appropriation bill for the support of the Army, the United States Congress passed the following act on March 3, 1855: "For printing a new system of light infantry and rifle tactics, to be stereotyped, with engraved plates and for procuring for distribution to the militia of the United States books of tactical instruction, including the system of regulations now in course of preparation, thirty thousand dollars." See *Congressional Globe*, 33 Cong., 2 Sess., Appendix, 399 (March 3, 1855). See also, William J. Hardee, *Memorial to the Congress of the Confederate States*, December 14, 1863 (Mobile, 1863), 1; and the statement by Jefferson Davis on the front flyleaf of Hardee's *Rifle and Light Infantry Tactics*.

<sup>11</sup> Hardee, *Memorial*, 1.

<sup>12</sup> Dunbar Rowland (ed.), *Jefferson Davis, Constitutionalist*, 10 vols. (Jackson, Miss., 1923), IV, 207.

Hardee's *Tactics* formed the textbook for the infantry in both the Confederate and Federal armies. The Committee on Military Affairs of the Confederate government, on May 7, 1861, reported the following resolution in the Provisional Congress of the Confederate States: "Resolved, That the Secretary of War be authorized to purchase for distribution ten thousand copies of a revised edition of Hardee's Infantry Tactics: Provided, That the cost of the same shall not exceed one dollar a copy."<sup>13</sup> Moreover, the Federal government decided in 1863 that the tactics used by the Federal Army was not uniform or adequate. Accordingly, the Secretary of War ordered that the regulars, volunteers, and militia alike use Silas Casey's *Infantry Tactics*,<sup>14</sup> which was fundamentally a combination of Hardee's *Tactics* and works of General Winfield Scott<sup>15</sup> brought up to date.<sup>16</sup>

Although Hardee's *Tactics* apparently did not disagree with the essential principles contained in Samuel Cooper and Alexander Macomb's *Tactics*,<sup>17</sup> it showed more similarities to Von Steuben's and yet marked differences.<sup>18</sup> Hardee's work gave methods also for the deployment of the battalion as skirmishers. His regulations caused the company to change direction by marching in file and by wheeling. Turning on a fixed pivot by fours had not at that time been employed for infantry.<sup>19</sup>

<sup>13</sup> *Journal of the Congress of the Confederate States of America*, 7 vols. (Washington, 1904-1905), I, 194. Consideration of the resolution was postponed.

<sup>14</sup> Silas Casey, *Infantry Tactics, for the Instruction, Exercise, and Manoeuvres of the Soldier*. . . . (New York, 1862).

<sup>15</sup> Winfield Scott, *Infantry Tactics* (Boston, 1847).

<sup>16</sup> William A. Ganoe, *The History of the United States Army* (New York, 1942), 285.

<sup>17</sup> Samuel Cooper and Alexander Macomb, *A Concise System of Instructions . . . for the Militia . . . of the United States* (Philadelphia, 1844).

<sup>18</sup> *Regulations for the Order and Discipline of the Troops of the United States, Von Steuben's Regulations* (Philadelphia, 1779). In "the position of the soldier" the heels were "on the same line and as near each other as the conformation of the man" would permit, and the eyes were fixed straight to the front, "striking the ground about the distance of fifteen paces." There were four kinds of cadence and step: common time, quick time, double-quick time, and the run. The manual of loading was executed in "nine times" and fifteen motions; the actual firing in three times and five motions. When the recruit became expert in this long exercise, he could be made to load in "four times" and fire as fast as three rounds a minute. See Ganoe, *History of the United States Army*, 237.

<sup>19</sup> Ganoe, *History of the United States Army*, 267.

Despite the popularity of Hardee's *Tactics*, the use that he had made of *L'Exercice et Manoeuvres des Bataillons* as the basis for his manual led to unmerited criticism. The New York *Courier and Enquirer* in early 1861 published an editorial disparaging Hardee's part in preparing his *Tactics*. This paper stated that Hardee was "Chief of a Board to *translate* a system of *Light Infantry Tactics* from the French," that Lieutenant Stephen Vincent Benét did the work, and that Hardee's name was simply attached to the translation. "He never, in all probability, saw or read one word of it," the article stated, "until called upon to *study* it for the purpose of learning how to drill the cadets at West Point."<sup>20</sup>

The contract which Hardee entered into with Lippincott and Company in 1855 was complied with until the formation of the Confederate government, and Hardee until 1861 received his share of the proceeds of sales made by the publishers. As Hardee's *Tactics* was expensive to publish and it was believed that the sales would be small, the publishers neglected to copyright the work. Prior to the Civil War no one attempted to republish the manual, but during the war the *Tactics* was published in the North in large quantities.<sup>21</sup> Although Lippincott and

<sup>20</sup> New York *Courier and Enquirer*, quoted in Frank Moore (ed.), *The Rebellion Record; A Diary of American Events*, 11 vols. (New York, 1861-1868), I, 111.

<sup>21</sup> An interesting anecdote was related concerning the use of Hardee's *Tactics* during the Civil War. While on a forced march in Mississippi in 1862, General Hardee came up with a straggler who had fallen some distance in the rear of his command. The general ordered him forward, but the soldier replied that he was weak, not having had even half rations for several days.

"That's hard," replied the general, "but you must push forward, my good fellow, and join your command, or the provost guard will take you in hand."

The soldier halted, and looking up at the general, asked:

"An't you General Hardee?"

"Yes," replied the general.

"Didn't you write Hardee's *Tactics*?"

"Yes."

"Well, general, I've studied them tactics, and know 'em by heart. You've got a order there to double column at half distance, an't you?"

"Well," asked the general, "what has that order to do with your case?"

"I'm a good soldier, general, and obey all that is possible to be obeyed, but if your orders can show me a order in your tactics, or anybody's tactics, to double distance on half rations, then I'll give in."

The general, with a hearty laugh, admitted that there were no tactics to meet the case, and putting spurs to his horse, rode forward. William P. Snow, *Lee and His Generals* (New York, 1867), 490.

Company realized considerable profit from selling the manual, Hardee, as a Confederate, received no share in these profits.<sup>22</sup>

When the war began, Hardee revised and improved his original work, and concluded a contract with S. H. Goetzel, of Mobile, Alabama, for its publication "for the use of the Confederate states."<sup>23</sup> By this contract Goetzel was to take out a copyright in his own name and pay Hardee twenty cents for each copy sold. Goetzel secured the copyright, but notwithstanding this fact, various persons in the South published and sold private editions of the work to the detriment of both Hardee and his publisher.<sup>24</sup>

Upon learning that so many persons were publishing and selling his *Tactics*, Hardee caused a bill to be filed in the Confederate district court of Alabama against Francis Titcomb, a bookseller in Mobile who kept on sale an edition of his work, for an infringement of the copyright. He entered suits also against J. W. Randolph, of Richmond, Virginia,<sup>25</sup> who was publishing his book in spite of the copyright, and against several booksellers in Memphis, Tennessee.<sup>26</sup>

The case in Mobile was tried in the district court in July, 1863,<sup>27</sup>

<sup>22</sup> Hardee, *Memorial*, 1.

<sup>23</sup> *Ibid.*, 2. The Goetzel publication was entitled: *Rifle and Infantry Tactics, Revised and Improved by Col. W. J. Hardee, C. S. Army*, 2 vols. (Mobile, 1861).

<sup>24</sup> See the "Notice" at the end of the *Memorial*, below.

<sup>25</sup> The Randolph edition was entitled: William J. Hardee, *Rifle and Light Infantry Tactics* (Richmond, 1861).

<sup>26</sup> Hardee, *Memorial*, 2. James Kendall Lee, *The Volunteer's Hand Book* (Richmond, 1861), contained an abridgment of Hardee's *Tactics*; and Ephraim E. Ellsworth, *Manual of Arms for Light Infantry* (Chicago, 1861), adapted the requirements of Hardee's manual to the minie rifle. William Gilham, an instructor of tactics in the Virginia Military Institute, published a *Manual of Instruction for the Volunteers and Militia of the Confederate States* (Richmond, 1861). The J. O. Griffith Company, of Nashville, Tennessee, published Hardee's *Tactics* in 1861; and the Southern Publishing House of Hutton and Freligh in Memphis printed the work during the same year. The Memphis edition has the following publisher's notice: "Supplies of this work from the North having been stopped as contraband of war, this edition is got up for practical purposes and immediate use . . . and a considerable portion of remarks and matter . . . has been omitted." Separate editions of the *Tactics* were printed in Raleigh, North Carolina, in 1860, 1861, and 1862, the last edition being published by an order of the governor of North Carolina for the use of the North Carolina troops. The work was also printed in two volumes by J. W. Tompkins and Company, of Louisville, in 1861.

<sup>27</sup> The case for the plaintiff was argued by Gibson Y. Overall and Robert H. Smith, two Mobile attorneys, while Titcomb was defended by William C. Easton, of Mobile.

and Judge William G. Jones delivered an opinion adverse to Hardee, on the ground that the *Tactics* had been published in the United States in 1855, without a copyright, at a time when the North and the South were under one government. The complainants (Hardee and Goetzel) contended that the original edition of the *Tactics* was a foreign publication, and that since they had taken out a copyright in "their own country," the Confederacy, the original publication should not "prejudice them in their own right." Judge Jones thought, however, that the technical ground of former publication, which made the work *publici juris* to the people of the United States, was against Hardee's complaint, and he condemned the copyright.<sup>28</sup>

Having failed through litigation to obtain the desired copyright protection, Hardee sent a memorial to the Confederate Congress in which he petitioned for a copyright. The Confederate House of Representatives on January 4, 1864, sent to the Senate "An act to grant a special copyright to W. J. Hardee and S. H. Goetzel for Hardee's *Rifle and Infantry Tactics*."<sup>29</sup> The Senate took up the House bill on January 15, 1864, and after considerable parliamentary maneuvering resolved that it be passed with an amendment.<sup>30</sup> On February 13 the Senate receded from its amendment after the House had objected to it,<sup>31</sup> and three days later the act finally was passed and was signed immediately by President Davis.<sup>32</sup>

Hardee's Memorial to the Congress of the Confederate States was printed as a six-page pamphlet in Mobile, probably by Goetzel, in 1863, but, so far as the writer has been able to discover, only four

<sup>28</sup> In delivering his decision, Judge Jones declared that the Philadelphia edition of the *Tactics* in 1855, Randolph's edition of 1861, and Goetzel's publication were substantially the same. An examination of the three works seems to confirm the opinion of the judge.

<sup>29</sup> *Journal of the Confederate Congress*, III, 512.

<sup>30</sup> The amendment had been presented in the House by Representative William P. Chilton, of Alabama, and read as follows: "That this act shall not be so construed as to prevent the sale of said tactics heretofore printed." *Ibid.*, VI, 577. It had been rejected there, but was added by the Senate in its consideration of the House bill.

<sup>31</sup> *Ibid.*, III, 719, 734, VI, 825.

<sup>32</sup> The copyright was to continue in force for fourteen years from the time of the approval of the act. *Ibid.*, VI, 576. For the consideration of the bill in the Senate, see *ibid.*, III, 512, 566, 571, 719, 734; for the House, *ibid.*, VI, 554, 563, 576-77, 651, 657, 798, 825, 835, 851.



copies of the pamphlet are extant.<sup>33</sup> It may be classified, therefore, as an extremely rare item; and because it performs the double service of adding an important bit of information on General Hardee and of throwing new light upon the problem of copyrights under the Confederate government, its contents are presented below.

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MEMORIAL TO THE CONGRESS OF THE CONFEDERATE STATES

Mobile, December 14, 1863.

Wm. J. Hardee, of Georgia, the author, and S. H. Goetzel, of Alabama, the publisher, of a work entitled "Hardee's Rifle and Infantry tactics," which has been revised and improved by the author at the commencement of the present war; humbly memorialize the Congress of the Confederate States of America, to grant a special copy-right therefor, and assign as reasons the following:

In 1855, the work was completed for publication by your memorialist, Hardee, and the contract for printing, lithographing and publishing was made with Lippincott, Grambo & Co., of Philadelphia, the Congress of the United States making an appropriation to assist in its publication, on condition that the publishers should furnish the Government of the United States eighteen thousand copies, at one dollar per copy. This condition was assented to and complied with. The author's contract with the publishers was that they should pay him ——— cents per copy, for each copy sold over and above the Government purchase, which was afterwards increased to ——— cents per copy.

This contract was complied with up to the formation of this Government, and the said Hardee regularly received under it, his share of the proceeds of sales by the publishers.

The publishers neglected to take out a copy-right for the work, assigning as reasons, therefor, that the work was a very expensive one to publish, principally on account of the numerous lithographic plates it contained: that the sales would necessarily be small and limited, and that no one would undertake to re-publish it from any profits that could be realized from it. In time of peace, as then existed, these reasons were patent and satisfactory; and, until the war, no one attempted to re-publish it.

During the war the work has been published in the United States in immense quantities, and the publishers there have realized large sums from the sale of it, in which the author, as a matter of course, has no lot or share. He has to look to his own Government and people for compensation for his mental labor,

<sup>33</sup> Copies are to be found in the Library of Duke University, the Library of Congress, the Athenaeum of the Boston Public Library, and the Emory University Library.

and protection from an infringement of it. His remittances under his contract with the Philadelphia publishers, ceased with the formation of the Confederate Government, and he has no idea they will ever again acknowledge the contract which existed before the war, even if the Government of the United States has overlooked the author's interest in the contract with them (the publishers) in their efforts to confiscate property of Confederate citizens.

At the beginning of the war the author revised his original work, as published in Philadelphia; made many material alterations and improvements therein, though leaving it substantially the same, and then made a contract with S. H. Goetzl, of Mobile, for the publication of the work for the use of the army and people of the Confederate States, by which contract, the said Goetzl was to take out a copy-right for the same, in his own name, incur all the expense of publication, and pay to the said Hardee twenty cents per copy, for each copy sold.

The copy-right of said work was duly entered and secured by said Goetzl in the form and manner required by existing laws on that subject, in the clerk's office of the district court of the Confederate States, for the district of Alabama, and since then nine editions of the same has been published; and the said Goetzl, at all times, kept on hand a sufficient number of copies to meet all reasonable needs and demands, of the army and people of the Confederate States. Although there had been no copy-right secured in the United States, as we had formed a separate Government, and as the people of the United States had become a foreign people, and their Government a foreign Government, your memorialists considered that a copy-right, entered and secured under the Confederate Government, was a valid right, and would be protected by the Confederate courts, especially as the author had lost all his rights for compensation, under his contract with a citizen of the United States.

Notwithstanding the copy-right of your memorialist, various persons in the Confederate States have published private editions of said work, and have been selling them in various parts of the country to the detriment of the rights and interests of the author and publisher thereof.

The republications have generally been of the old Lippincott edition, and not containing the alterations, changes and improvements made by the genuine, or copy-right edition, which are important and material, and which has created some confusion in army instruction because of different versions of the same work being in use.

Your memorialist caused a bill to be filed in the district court of Alabama against Francis Titcomb, a bookseller in Mobile, who kept on sale a private edition of said work, published in Richmond, the same being a copy of the original Lippincott edition, for an infringement of the copy-right of your memorialist, on which a provisional injunction issued.

The same proceedings were taken against one Randolph; of Richmond, and several booksellers in Memphis before the fall of that place.

The cause in Mobile was tried in the Confederate States district court in July, 1863, on bill, answer and testimony, and after elaborate argument by counsel, the judge of said court delivered an opinion adverse to your memorialists copy-right, on the ground that the said work was published in the United States in 1855, without a copy-right, at a time the two countries were under one Government. The complainants contended that [it] was a foreign publication, and as it was shown that they had promptly taken out a copy-right in their own country, and under their own laws, the original publication ought not to prejudice them in their present right, and especially, as the author had provided with the original publishers reasonable compensation for himself, and as the work had not been re-published in the United States before the war, and no probability existed of it ever being re-published by any other person, such contract secured for the author all the benefits of a copy-right.

By reason of the war, all the rights and benefits under that contract have been lost, and your memorialist (Hardee) could not now, and he does not, believe he ever will be permitted to enforce that contract in the United States.

As soon as he found himself in this condition in relation to his work, he promptly set about securing his rights and interests in his book in the Confederate States, by securing the copy-right in the name of the publisher, and prosecuting, under the law, those who infringed it. These and other arguments were urged at the bar in support of the copy-right, but the learned judge thought that the technical ground of former publication, which made the work *publici juris* to the people of the Confederate States as well as the people of the United States was against us, and he would have to condemn the copy-right.

Of course the other cases will have to be dismissed.

Your memorialists therefore respectfully apply to your honorable bodies for the passage of an act granting them a special copy-right in said work, yours being the only forum they can now apply to for protection of their rights and interest as author and publisher of the same.

A copy of the opinion of the Hon. Wm. G. Jones is hereto attached, and made a part of this memorial.

#### IMPORTANT DECISION ON COPY-RIGHT

At the late term of the Confederate district court for Mobile, a case involving "copy-right" was heard by Judge Jones. The plaintiff was S. H. Goetzel, and the defendant, F. Titcomb, both booksellers of this city. The former grounded his action of a copy-right obtained by him to "Hardee's Tactics," of which he was the publisher. The defendant had, in the course of his business, sold copies of the same work published by J. W. Randolph, in Richmond. For this alleged invasion of his copy-right, Mr. Goetzel filed his bill in

the district court some months ago, and obtained an injunction against Titcomb, restraining him from selling Randolph's edition. The case was heard upon bill and answer of the parties, and proofs of witnesses, and was argued for the plaintiff by Messrs. Overall and R. H. Smith, and by Mr. W. C. Easton for Titcomb. The decision of the court is against the validity of the copy-right of Goetzel in the work, and his proceeding was dismissed. The decree of Judge Jones, copied below, sets forth the grounds of his decision fully:

C. S. District Court at Mobile, )  
 July, 1863. )

S. H. Goetzel, et. al., )  
 vs. ) In Chancery.  
 F. Titcomb, et. al. )

There is no doubt or dispute as to the material facts in this case, and its decision depends entirely on a question of law. Whilst Gen. Hardee was an officer in the army of the United States, and before the dissolution of the Union, he prepared, under the direction of the then Secretary of War of the United States, a system of infantry tactics, since generally known as Hardee's Tactics. The work being approved of by the President, it was published in Philadelphia, in 1855, by Lippincott, Grambo & Co. The Congress of the United States made an appropriation of \$20,000 for stereotyping the work and of \$18,000 for the purchase of 18,000 copies of it for the Government. The publication was made with the knowledge and consent of General (then Lieutenant Colonel) Hardee, and was superintended by him. No copyright of this publication was then claimed or taken out. After the dissolution of the Union and the organization of the Government of the Confederate States and the commencement of this present war, there sprang up a great demand for this work. In 1861, General Hardee made some slight alterations in the work, and under an arrangement between him and S. H. Goetzel & Co., an edition of the work, with the alterations, was published by Goetzel & Co., in 1861, in Mobile. Goetzel & Co. duly entered the title of the work in the clerk's office of the Confederate States district court at Mobile, and took out a copyright. In the same year (1861) J. W. Randolph published in Richmond, Va., an edition of Hardee's tactics from and corresponding with the Philadelphia edition of 1855.

The defendant, Titcomb, a bookseller in Mobile, sold here some copies of Randolph's edition after Goetzel & Co. had taken out their copyright, and the bill in this case is filed to prevent Titcomb from selling such copies.

I do not think it necessary to decide in this case several of the questions which were raised and somewhat discussed at the bar. The main question in the case is the right of Gen. Hardee or of Goetzel & Co. to take out a copyright for this work in 1861. It is admitted that the Philadelphia edition of 1855, and Randolph's edition of 1861, are precisely alike, and substantially the same as Goetzel's edition of 1861, the only difference being some alterations

made by the author in 1861, and embraced in Goetzel's edition. They are all substantially the same.

It is quite immaterial, I think, in this case, whether the Philadelphia edition of 1855 is to be regarded a Government work or the private work of Gen. Hardee. Whether the one or the other, it was undoubtedly published to the world with General Hardee's knowledge and consent, and without his then claiming or taking out a copyright for it. This was, in my opinion, a dedication of the work to the public. It became what the law books term *publici juris*, and any person in the United States then embracing what is now the Confederate States, had a right to publish and sell as many editions and copies of it as he pleased. I do not think the secession of some of the States and the formation of the Government of the Confederate States, diminished or affected the rights of the public or increased those of Gen. Hardee in this respect. Our statute, which is the same as the old United States statute, does not permit a copyright to be taken out for works not previously published. It is insisted that a previous publication in a foreign country does not preclude an author from getting a copyright for the same work in his own country, if applied for within a reasonable time. That is a question which seems never to have been positively or definitely decided in the English or American courts; nor do I think it necessary to decide it in this case. The publication of the Philadelphia edition of 1855 was made when this country was a part of the United States. It was then a publication in this country, and it was as much to the public in Virginia or Alabama as the public of Pennsylvania. It is not like a publication in a foreign country. It was no doubt a meritorious act in the gallant general and enterprising publisher to prepare and publish this edition; but I am fully satisfied they had no legal right to take out a copyright for it. The bill must, therefore, be dismissed at the cost of the complainants.

WM. G. JONES, *Judge*

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Memphis, Tenn., July 6, 1861.

S. H. GOETZEL:

In compliance with your letter, I also confirm our verbal understanding to that effect, that you and your partner, under the style and firm of S. H. Goetzel & Co., are, and shall be hereafter, the only authorized publishers of my "Infantry and Rifle Tactics," provided you pay me twenty cents, say twenty cents of each copy you sell, and to render account three times a year, say at the end of August, December and April, punctually.

(Signed) W. J. HARDEE

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Wm. J. Hardee, for sufficient considerations moving him thereto, by these presents authorizes and empowers S. H. Goetzel, of Mobile, Alabama, to institute and conduct, in any of the courts of the Confederate States of America, in

his name, such suits at law and in equity, and to do such other acts as may be necessary or proper to vindicate and protect against infringement the copyright of S. H. Goetzel, in the book of said Hardee, entitled "Rifle and Infantry Tactics," granted by the Confederate States of America. The said Goetzel, agreeing to bear expenses and liabilities of such suits and acts, and to exonerate and protect him against the same.

Witness my hand, this 6th day of July, A. D., 1861, Memphis, Tennessee.

(Signed) W. J. HARDEE

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#### NOTICE

So many editions of my "INFANTRY AND RIFLE TACTICS" having lately been published, I think it due to both the public and publishers to state:

That the COPYRIGHT EDITION of my INFANTRY and RIFLE TACTICS, published by S. H. GOETZEL & Co., in Mobile, is the only COMPLETE, CORRECT and REVISED EDITION, and this edition only contains the *improvements and changes* which I have recently made, adapting the manual to the use of the arms generally in the hands of the troops in the Confederate States.

W. J. HARDEE

*Colonel Confederate States Army.*

Fort Morgan, June 18, 1861.

The above notice is printed in the front of each volume of the copyright edition.

## Book Reviews

*The Last of the Cocked Hats: James Monroe and the Virginia Dynasty.* By Arthur Styron. (Norman: University of Oklahoma Press, 1945. Pp. xiii, 480. Illustrations, bibliography. \$3.50.)

For years professional historians have regretted the lack of an adequate biography of James Monroe, but have done nothing about it. Such neglect obviously was not merited, even if Monroe does not measure up to the great men of the Revolutionary era or to those of the age of Jackson and Clay. For here was a man who held the most important offices in state and nation during fifty years of public service in the formative period of the republic. A young veteran of the Revolution who became the intimate and the successor of Jefferson and Madison, he was a diplomat of varied experience, and a seasoned politician whose name is ineradicably associated with cardinal principles of American foreign policy.

Yet no historian produced a biography which would supersede the three available but inadequate accounts of the man: the eulogy written by John Quincy Adams more than a hundred years ago; the brief outline of Monroe's public life in the American Statesmen Series, written by Daniel C. Gilman fifty years ago; and the only full-length biography, that written by George Morgan twenty-five years ago. Mr. Morgan's volume is poorly written and far from judicious. While filled with interesting and colorful anecdotes in a meritorious attempt "to recreate Monroe the Man," it is also filled with undigested material, oppressively weighted with chunks of quotations indiscriminately chosen from contemporaries and all sorts of "historians." And now, Mr. Arthur Styron, who is not a professional historian, has attempted to do biographical justice to our fifth president.

Unfortunately, he has not succeeded. His volume does not supersede but merely ranges itself along with the earlier ones as another book on Monroe. The historian will find no new facts about the man. While there is much more "interpretation" there is actually less factual material about Monroe himself than in the Morgan book. There is little to indicate that Mr. Styron has taken advantage of recent works on the period or even those directly bearing on aspects of Monroe's career. As history, his work is superficial throughout. As biography, it fails to bring Monroe to life.

This failure to do Monroe biographical justice is largely the result not of the method Mr. Styron deliberately selected but of the manner in which he applied it. In order to recreate a life, he tells us, the biographer must describe

and interpret "the fullness of time" in which his subject was born, and then gradually increase the emphasis on the individual portrait and make it the focus of the whole biographical and historical picture. His application of the method, however, results in what might be termed a loosely-written interpretative biography. In short, there is not enough emphasis on Monroe. He does not emerge a full-bodied individual. His individual portrait is blurred out, made indistinct, by background events and more so by the author's comments on those events.

While Monroe is ever so much more alive in the Morgan book, Mr. Styron within his chosen pattern orders his materials more effectively than does Mr. Morgan, and he turns a phrase with far more skill and grace. Some of his all too many philosophical interludes, though they retard movement and keep poor Monroe a remote and elusive actor cooling his heels off-stage, are especially well-written and stimulating. For example, a penetrating and appreciative character analysis of John Randolph of Roanoke; a savage sketch of Hamilton, undoubtedly one of the most devastating and most prejudiced ever written; and a long essay on slavery (inspired by a brief account of the Missouri Compromise debates) that presents with sympathetic understanding the position of liberal slaveholders like Jefferson, an analysis of their position in the light of recent works on the Negro by Myrdal and Herskovits, and the bearing of the race problem in general on world unity today.

But the great merit of literary skill is more than offset by serious faults; the failure to make use of standard studies on Monroe and his period; loose generalizations, debatable if not untrue; a tendency to black-and-white interpretations of men and groups in terms of absolute good and absolute evil, whether it is the South and North, Republicans (here called "Democrats") and Federalists, agrarians and merchants (here confused with "industrialists"), Anglicans and Calvinists; and an unusual number of factual inaccuracies for a book published by a university press.

Since any work on Monroe must largely concern itself with diplomatic history, one is surprised not to find in the bibliography or cited in the text pertinent and well-known studies in that field by Bemis, Whitaker, Updyke, Pratt, and others. In the account of the Monroe Doctrine, which of course is the climax of the book, it is curious to find mention, not of Dexter Perkins, but of such "historians" as Sumner Welles and Walter Lippmann.

It is disconcerting, also, to find so many new versions of traditional views: for example, that the Cabots came to America six years before Columbus (p. 9); that Virginia's first charter was that of 1607, and the prime object of colonization there was to Christianize the Indians (pp. 10, 62); that New York in the 1790's was a "manufacturing section" dominated by Hamilton's "industrial oligarchs" (p. 188); that Secretary Jefferson sent Hammond as our min-



ister to Spain (p. 140)—a gentleman who was then the British minister to the United States; that Spain in 1795 sold West Florida to France (p. 351); and that Chief Justice Marshall was Burr's host and not a fellow dinner guest on the eve of the treason trial, and was probably financially interested in Burr's schemes since he was a thoroughly ignoble fellow (p. 301).

Mr. Styron is under no illusion that Monroe was brilliant or even highly talented. An outstanding merit is his sympathetic yet not uncritical treatment of Monroe—whenever he permits that gentleman to hold the stage. In this judicious spirit he treats the unfortunate French mission of 1794-1796 (when Monroe first emerges, for a time, from the obscuring background), Monroe's recall, and the resulting controversy. And likewise with Monroe's participation in the Louisiana Purchase, and his petty rivalry with Livingston for the honors accruing; his ineffectual services as a minister-at-large from 1803 to 1806 at Paris, Madrid, and London; and his sulkiness and temporary estrangement from Jefferson and Madison following the abortive Monroe-Pinkney Treaty of 1806 with England.

Such are the merits and demerits of the work, as they appear to this reviewer, who, with all respect to Mr. Styron, still believes that the gap in our literature is yet to be filled. He cannot refrain from hoping that the biography of Monroe which Dexter Perkins some years ago announced his intention of writing will soon be forthcoming.

University of Virginia

BERNARD MAYO

*A Bibliography of Mississippi Imprints, 1798-1830.* By Douglas C. McMurtrie. (Beauvoir Community, Mississippi: The Book Farm, 1945. Pp. iv, 168. Illustrations, references. \$7.50.)

The long-awaited *Bibliography of Mississippi Imprints, 1798-1830*, is finally off the press as No. 69 of *Heartman's Historical Series*. This valuable volume combines Mr. McMurtrie's *Preliminary Check List of Mississippi Imprints, 1798-1810* (misprinted 1830 in the introduction to the volume being reviewed); his *Short-Title List of Books, Pamphlets, and Broad-sides Printed in Mississippi, 1811-1830*; and a great deal of careful investigation by Mr. McMurtrie and the American Imprints Inventory since these two volumes appeared in 1934 and 1936. This bibliography contains a description and the location of 290 titles from the press of Mississippi from its beginning in 1798 through 1830. Of this total, 72 items are broadsides, folders, or similar material, leaving 218 pamphlets and books. No copies are known of 17 of the titles. Of the 271 titles which have been located, only one copy each of 165 was found.

The introduction by Albert H. Allen, who completed the work after the death of Mr. McMurtrie, contains the statement that "The largest collection of our Mississippi titles is found, appropriately, in the library of the Missis-

issippi Department of Archives and History, which contains 95 of the titles, including 42 broadsides. Of the total, 63 (including 41 broadsides) are *unica*." Actually 26 other items in the list are in the Department, but were not credited to it, which would give it a total of 121 titles. Some of these items have been acquired recently, while others were overlooked by the WPA workers who checked the Department's holdings. These oversights are now being corrected by Mr. Heartman. The Library of Congress is credited with 61 titles, the University of Mississippi with 45, the Mississippi State Library with 44, and the New York Public Library with 42.

Naturally some errors would be noted in this detailed work which was produced from information gathered from all parts of the United States. One in particular credits the Mississippi Department of Archives and History with a copy of the *Laws of the Mississippi Territory . . . 1799 . . .* (Natchez, 1799), commonly known as "Sargent's Code" and probably the most valuable item in the list. The Department has a photostatic copy of this book, mimeographed copies published in 1939, and the original manuscripts of the laws, but has never owned a copy of the printed volume. The last known copy in a Mississippi library disappeared from the Mississippi State Library in 1932.

Although Mr. McMurtrie mentions in his notes and references that some items have been reprinted, several reprints were not noted. The journals of the Protestant Episcopal Church for 1827, 1828, and 1829 (Nos. 226, 248, 264) were reprinted in recent years by Nash K. Burger, historiographer of the Diocese of Mississippi. The *Journal of the Legislative Council, of the Second General Assembly of the Mississippi Territory at Their Second Session . . .* (Natchez, 1804) was reprinted by this reviewer in 1940, and the original manuscript of the journal of the House of Representatives for that session was printed at the same time. Item No. 112, the *Charter of the Bank of the State of Mississippi . . .* (Natchez, 1818), was also reprinted by this reviewer in the *Journal of Mississippi History*, I (October, 1939), 251-63. Item No. 3, *Laws of the Mississippi Territory . . . 1799 . . .* (Natchez, 1799), was reproduced in mimeographed form in 1939 by the Mississippi Historical Records Survey.

These minor criticisms should not detract from the general excellence of this valuable volume. The bibliography is greatly enriched with notes concerning the titles, the printers, and Mississippi newspapers. Mr. McMurtrie's work in the bibliographical records of the early American press stands in a class by itself, and his untimely death cut short a career that would have surpassed that of any bibliographer in American history. Charles F. Heartman has rendered a distinct service in the publication of this volume.

Mississippi Department of  
Archives and History

WILLIAM D. MCCAIN

*Trail to California; The Overland Journal of Vincent Geiger and Wakeman Bryarly.* Edited by David M. Potter. *Yale Historical Publications, Manuscripts and Edited Texts*, Volume XX. (New Haven: Yale University Press, 1945. Pp. xiii, 266. Maps, tables, appendix, bibliography. \$3.50.)

In this excellently edited work, Professor Potter has done a splendid job in analyzing the character of the overland companies which participated in the California gold rush of 1849. Using as his basic source for comparative data some fifty manuscript overland journals in the William Robertson Coe Collection of Western Americana now deposited in the Yale University Library, he makes use of the Geiger-Bryarly journal as the thread upon which to build his impressive introduction: an intensive analysis of the overland company movement, its founding, organization, operations, successes, and failures. The introduction is by far the most valuable treatment of the California trek to be published in recent years. The experiences of the Charleston (Virginia) Company, of which the Geiger-Bryarly journal is but a partial record, is carefully analyzed and compared with those of other companies en route to California in 1849. Professor Potter was not content to make his comparisons solely with those records found in the Coe Collection, but presents such other evidence as he was able to locate in the works of Bancroft, Paden, Page, Howe, and Coy, among many others. Students of the West will find these introductory seventy-three pages a useable guide and source for future work. It is to be hoped that Professor Potter can be prevailed upon to expand this introduction, for despite its fullness and clarity, it poses many questions for future studies and research which should not be overlooked.

The Geiger-Bryarly journal is not in itself unique nor particularly outstanding. A number of original accounts give equally as good a picture of the trek across the plains and mountains. The Charleston Company, while not exceptional in its organization, was distinctive in its achievement. The organization held together throughout the entire overland journey while most of its counterparts were dividing and re-dividing and generally disintegrating almost from the date of their organization. It was one of the largest of the companies to take the California trail in 1849, and its uniqueness and success were undoubtedly due to the excellent preparation, adaptability of its organization, and the level-headedness of its leadership. The reader will be impressed by the surprising fact that this company of some seventy-five inexperienced Southerners was able to make the long overland trip to California without experiencing the hardships, horrors, and tribulations which were such a large part of the record of other companies of argonauts.

The principal omission is the lack of information on the background of the members of the Charleston Company. This reviewer would like to have more information on the personnel of the company, their previous occupations, education, family backgrounds, and responsibilities. In reality such information

is necessary in order to judge the caliber of the party, and to account for the sagacity and success later experienced. A roster is presented, but it merely gives the names of the members with no information about their age, origin, and previous experience. Other appendices include the constitution of the company, Geiger's short diary from Staunton, Virginia, to St. Joseph, Missouri, and a schedule or table of distances traveled. The bibliography, unfortunately, is not completely satisfactory. It is disappointing, for example, to find descriptions of only twelve of some fifty overland journals mentioned by the author as being in the Coe Collection.

A map of the route of the Charleston Company, like so many similar illustrations in other works, is too small to give a real appreciation of the country traversed. Sectional maps, with greater detail and spread through the text, would have contributed to the reader's pleasure. The index is quite adequate.

Denver, Colorado

HERBERT O. BRAYER

*Essays in the History of the American Negro.* By Herbert Aptheker. (New York: International Publishers, 1945. Pp. viii, 216. Appendices, bibliography. \$2.00.)

This is an antislavery tract written eighty years after emancipation, with the advantage of hindsight, and with the use of contemporary phraseology and ideology. The basic assumption, that the Negro was a white man enslaved, is not new. It was fundamental in the thought of such abolitionists as Garrison and Wilberforce; it has been implicit in much of the highly controversial literature on slavery and the Negro during the past century or more.

Illustrative of the author's attitude is the statement: "American slavery was a barbarous tyranny. It impoverished the land and the common people, Negro and white, of the South, tore away their freedom and attempted to destroy the liberty of all American citizens" (p. 69). As in Dr. Aptheker's *American Negro Slave Revolts*, there is much discussion of slave insurrections, which are compared with strikes in industry. Instances of sit-down strikes are cited, in which the slave simply refused to work. One thesis advanced in the book is that the doctrine of the happiness of the slave is wholly untenable. The author takes pains to attack the work of Ulrich B. Phillips in particular on this point. A second argument is that the Negro contributed magnificently to his own emancipation during the Civil War. "The slaves," says the author, "conspired or rebelled, or broke its [the Confederacy's] tools, or refused to do its work, or fled its fields and mines and factories" (p. 204).

In brief, Dr. Aptheker at no stage accepts the Negro as a passive factor in American history, but portrays him, instead, as frequently on strike, in rebellion, a fugitive to the North, a soldier against the Confederate army. The effort of the Negro was of no avail, says the author, for the "industrial and

financial bourgeoisie" of the North delivered him to the reactionary "plantocracy" of the South in 1877 (p. 205). The consequences of this bargain were "disenfranchisement for the Negro, sharecropping peonage, lynch terrorism, and the loss of civil liberties and educational opportunities" (p. 205).

Dr. Aptheker omits many significant developments, such as the founding of the independent Negro churches and fraternal organizations, the establishment of Negro colleges, and the successes of some ventures in business. The slow development of new relationships between the two races, which could come only by growth rather than through force, is neglected. Nor does the author point out the beneficial influences of white civilization upon the Negro race. Professor Latourette has shown, for example, that the adoption of Christianity by the Negro of the United States has added a greater number to this faith than the missionaries have been able to win among the billion people of southeastern Asia.

The pattern of Negro-white relationship in the United States is universal. The same stresses and problems are prevalent in the West Indies, Brazil, and the Union of South Africa. One thing only is clear—the Negroes in the United States are better off than those anywhere else on earth. Not only did the white man enslave the Negro here, but he has also made titanic efforts to help him. In the long view, the history of the Negro in our country shows progress, and today rapid progress.

The book is well written and in good temper, with little of the usual machinery of scholarship. It deserves an attentive reading public. There are no footnotes and no index, but a table of slave revolts and a bibliography conclude the work.

University of California, Los Angeles

FRANK J. KLINGBERG

*Mississippi Farmers, 1850-1860.* By Herbert Weaver. (Nashville: Vanderbilt University Press, 1945. Pp. xii, 139. Maps, tables, bibliography. \$2.50.)

Major Weaver's monograph is the second volume in a series of history studies of the ante-bellum South's social and economic structure, sponsored by Professor Frank L. Owsley of Vanderbilt University. Since publication of the first volume, *Tennessee Yeomen, 1840-1860*, five years ago, its author, Blanche Henry Clark, has become Mrs. Weaver, thus carrying forward in the research enterprise the family scheme of co-operation followed by the sponsor when he and Harriet C. Owsley in 1940 published an article in the *Journal of Southern History* entitled "The Economic Basis of Society in the Late Ante-Bellum South."

*Mississippi Farmers* supports the theses of prior studies in the series, namely: (1) Writings about the South have consistently exaggerated the importance of planters and neglected the yeomen. (2) Contrary to stubborn tradition, the farm rather than the plantation was the typical unit in the South's agrarian economy. (3) The agricultural population of the lower South enjoyed

great prosperity during the decade or so preceding the Civil War. (4) Diversification was common among all classes of late ante-bellum agriculturists. (5) Planters generally did not push small-scale operators from fertile tracts into marginal areas, but holdings of the two groups commonly were intermingled.

The author supports these propositions with an impressive array of data gleaned mainly from manuscript census schedules of 1850 and 1860. Since the mass of material for the whole of Mississippi was too enormous to permit of detailed analysis, the author limited his investigations largely to twelve counties, distributed in such a way as fairly to represent the various regions and cultures. Data were first assembled on a master chart and then recorded on punch cards. The cards were run through an electric sorting machine for analysis. Finally, computations were checked on an electric calculator.

The author, rejecting the traditional practice of differentiating between planters and farmers on the basis of slaves alone, defines a large planter as one who owned at least fifty slaves and five hundred acres of improved land, and a small planter as one who possessed twenty or more slaves and at least two hundred acres of improved land. Owners of improved land up to two hundred acres, whether or not they held slaves, and better situated members of the slaveless-landless group, are classed as yeomen or small farmers. The term "poor white" is reserved for that small residuum of ne'er-do-wells who lived beneath society's bottom rail.

As might have been expected, Major Weaver found the planter element in far greater strength in fertile regions like the Delta than in the thinner-soiled hill country; conversely, yeomen comprised a much larger portion of the upland than the lowland population. But even in the five sample counties of the Delta the large planter class was only about twenty per cent of the agricultural population (heads of families), and yeomen outnumbered planters by about two to one. In the state as a whole, only about twenty per cent of the heads of agricultural families were planters (only eight per cent "large planters") while yeomen "perhaps outnumbered big planters, small planters, and poor whites combined" (p. 43).

In establishing the prosperity of the agricultural population, the author laboriously traced records of 599 persons through the censuses of 1850 and 1860. He found that "almost without exception the status of each improved" (p. 12).

Far from indicating a slavish devotion to "King Cotton," the study evidences a "general trend toward self-sufficiency" (p. 100). Furthermore, "For every person residing in the state in 1860, white or black, there were one and a half bales of cotton raised. Per capita in the same year there were produced 35 bushels of corn, 5½ bushels of sweet potatoes, 2½ bushels of peas and beans, besides other less important foods such as poultry, honey, fruit, veg-

etables, Irish potatoes, wheat, rye, barley, buckwheat, molasses, and millet. For every person in the state there were two hogs and one cow, and the total value of livestock per person was more than fifty-two dollars" (p. 100).

The author is open to challenge in the choice of his title, for a considerable portion of the book is devoted to planters. In Chapter III, "Social and Economic Classes," the planter group has more space than yeomen and poor whites, and in subsequent sections dealing with crop production and agricultural prosperity, the planter rather than the farmer comes in for detailed attention. "Agricultural Population of Mississippi, 1850-1860," the title of Major Weaver's work when it was in the dissertation stage, seems a more exact designation for a study which uses the term "farmer" in a restricted sense and which treats of all classes of agricultural operators.

Lacking an expert knowledge of statistics, the reviewer is unable to evaluate the author's technical methodology. But the study appears thoroughly accurate in detail. It evidences multiplied hours of toilsome research. It gives new and strong impetus to correcting an error steeped in tradition. It admits the author fully to the fraternity of scholarship.

Washington, D. C.

BELL IRVIN WILEY

*Catholics and the Civil War.* By Benjamin J. Blied. (Milwaukee: The Author, 1945. Pp. 162. Bibliography. \$2.50.)

When Catholics were "as rare as comets," to quote John Adams, their political opinions were of relative unimportance. But when, in the 1860's, it could be claimed that they comprised one-tenth of the total population of the United States (p. 37) and one-sixth of its armed forces (p. 133), their attitude in the crisis facing the nation was no longer a matter of unconcern. Moreover, certain powerful personalities among their clergy had risen to places of leadership and by pen, press, and pulpit were making their influence felt. In the circumstances, the volume entitled *Catholics and the Civil War* is a welcome addition to the rather scanty material which has thus far found its way into print on the subject.

With engaging frankness and modesty the author, Dr. Benjamin J. Blied, of St. Francis Seminary, has forestalled the most obvious criticism by stating in the Preface that his essays "are neither exhaustive nor do they constitute an integrated narrative." Nevertheless, a thread of unity runs through his ten chapters as he presents the Catholic viewpoint on such war issues as slavery, abolitionism, secession, diplomatic missions, "Irishism," Fenianism, and the "Lincoln legend."

"Because a debate was possible, Catholics were discovered on both sides" (p. 7), as environmental forces colored the opinions of northern and southern bishops. In comparing and interpreting the opposing views of the clergy, the author makes it clear that "the hierarchy did not act as one political unit"

(p. 50). Objectivity is equally apparent in the impartial way in which he presents the clash of ideologies between laymen as reflected in the Catholic press, from which he quotes freely.

Considering the violent clash of verbal artillery within, as without, the ranks of churchmen over the institution of slavery, it is interesting to note their complete agreement on a closely related subject. To Catholics throughout the United States, abolitionism was anathema. To the Boston editor of *Brownson's Review*, its leaders were, "almost to a man, infidels and blasphemers"; while *Le Propagateur Catholique*, of New Orleans, asserts, "abolitionism is the child of revolutionary ideas which attack the principle of authority" (p. 25).

It thus appears that the "voice of authority" best explains the Catholic viewpoint on this and other challenging problems; and in emphasizing its influences, Dr. Blied goes far toward clarifying the official position of his church. For instance, Union sentiment among many of its devotees may have been pre-determined by orthodox teachings such as those expressed by Archbishop Purcell in the Cincinnati *Telegraph*: "The Catholic church is conservative, and all its principles revolve and gravitate around the idea of union. . . . What is the principle of secession but the carrying out of the principle of private judgment?" (p. 53). Therefore, "while Protestant sects were being torn apart, the Catholic church was spared because in her eyes the problems of the day were insignificant compared to the eternal values" (p. 69).

In final appraisal of Dr. Blied's essays it may be said that intellectual honesty and accurate documentation characterize both interpretation and technique. Numerous quotations, supported by an impressive array of footnotes, enliven the narrative with an echo of voices which once rang out in impassioned debate. A clear and smooth-flowing style leaves no doubt as to the author's meaning. An adequate index is provided.

On the other hand, considering the fact that Dr. Blied, in his double role of professor and priest, might reasonably be expected to have had access to the archives and newspaper files of Catholic institutions throughout the land, it is disappointing that he appears not to have taken full advantage of his exceptional opportunity. For instance, several episodes in the career of Archbishop Hughes might have been interpreted differently if the author had made a study of the archbishop's official organ, the *Metropolitan Record*, as well as the Hughes Papers and contemporary French journals which throw light upon his European mission. Certain original sources might likewise have been drawn upon for a fuller treatment of the scholarly Bishop Whelan of Wheeling and the influential Bishop Lynch of Charleston.

An explanation for such limitations or omissions is provided, however, by the Reverend Peter Leo Johnson in his Foreword: "Due to the scattered and unorganized condition of most archival depots, research in the field is obliged for practical purposes to start with the easier approaches to it."



But whether or not Dr. Blied had first-hand acquaintance with the contemporary newspapers and documents to which his footnotes refer, or whether he resorted, in some instances, to the "easier approaches" found in previously published monographs, or research material compiled in the records of historical societies, it is evident that he has accomplished his declared purpose of being "helpful to others who wish to tell the story of the civil war in detail" (Preface), by reproducing this data in the volume which he is pleased to term "a collection of fragments." Few readers, however, are likely to agree with so obviously modest an understatement of the character of his work.

On the contrary, discernment and critical acumen of a high order will be recognized in the evaluation of the Reverend Peter Leo Johnson. Calling attention to the "great variety, range and independence in Catholic thinking" therein presented, he considers the essays "a reliable cross section of Catholic opinion and action during a time of stress, sentiment and sacrifice." Such discriminating praise gives additional support to the conclusion of the reviewer that Dr. Blied has made a worthwhile contribution to Catholic history.

Winthrop College

RENA MAZYCK ANDREWS

*War Years with Jeb Stuart.* By William W. Blackford. Introduction by Douglas Southall Freeman. (New York: Charles Scribner's Sons, 1945. Pp. xvi, 322. Illustrations, appendix. \$3.00.)

As a member of Stuart's staff from June, 1861, to January, 1864, Lieutenant Colonel Blackford was in most of the important cavalry operations of the Army of Northern Virginia during this period; and as Stuart's constant companion and bosom friend his opportunity for close-range observation was almost unequaled. Add to this his training as a civil engineer, exceptional powers of description, and keen insight into character, and it is not surprising that he has written one of the most vivid, authentic, and exciting memoirs of the Civil War.

Blackford does not attempt to give an account of an entire battle or campaign, but treats only the segment of the battle that came within his view. This, of course, accounts for the strong impression of authenticity one gets in reading the book.

The Stuart that Blackford presents in his book is not different from the Stuart in the writings of John Esten Cooke or H. B. McClellan. Of striking appearance—though only moderately handsome—he was to all his associates, both men and women, a romantic figure and a legendary character even while living. Stuart was gay and pleasure loving, but never frivolous, and Blackford, like the others who knew him, did not make the mistake that later writers have made of thinking him so. Indeed, beneath the amiable surface, Lee's cavalry chieftain was deeply religious and possessed self-mastery to a remark-

able degree. Thus unafraid of himself and fearless of all external dangers, and possessed of military talents of a high order and a bottomless physical endurance that enabled him to live in the saddle, it is easy to understand how "Jeb" Stuart held so strongly the confidence and love of his officers and men. It is easy to understand why Stonewall Jackson trusted and admired him next to Lee and why Colonel Blackford considered him the greatest cavalry leader of modern times.

Outside the quality of Stuart's leadership, there were at least two other elements, constantly referred to by Blackford, that gave the Confederate cavalry its superiority over the Federal cavalry during the first two years of war: horses and horsemanship. Stuart's cavalry mounts were of the finest thoroughbred race horse stock, frequently of Arabian blood, while the Federal mounts were the lumbering chargers prescribed by orthodox cavalry authorities. As to horsemanship the southern cavalymen have had few superiors. A not unusual example of the quality of Confederate horses and horsemanship is given on page 226 of Blackford's narrative. He and Stuart were being pursued by a considerable body of Federal cavalry across a field "firing as fast as they could cock their pistols. The field was in tall timothy grass and we did not see, nor did our horses until close to it, a huge gully fifteen feet wide and as many deep stretched across our path. There were only a couple of strides of distance for our horses to regulate their step, and Magic [Blackford's mount] had to rise at least six feet from the brink. Stuart and myself were riding side by side and as soon as Magic rose I turned my head to see how Virginia [Stuart's horse] had done it, and I shall never forget the glimpse I then saw of this beautiful animal away up in mid-air over the chasm and Stuart's fine figure sitting erect and firm in the saddle. Magic, seeing the size of the place and having received a very unusual sharp application of my spurs, had put out her strength to its full in this leap and she landed six or seven feet beyond the further bank, making a stride of certainly twenty-seven feet." But the pursuing cavalry, unable to jump the ravine, to a man was brought to a temporary halt and Stuart and Blackford galloped on.

The Blackford narrative in addition to the portrayal of Stuart and the quality of the Confederate cavalry is filled with canny estimates of colleagues and Confederate leaders, and with details of battlefield operations seldom if ever found in such books. His estimates of Davis, Johnston, Beauregard, and lesser figures are very shrewd and revealing; and such details as to how Jackson was able to march his men farther and faster than any other body of infantrymen, the building of pontoon bridges with steamers and barges, and the countermining of Confederate salients before Petersburg against possible Federal mines are seldom found in personal narratives of this kind. It is one of the most interesting memoirs of the Civil War and in its detail is the most valuable.

*An Introduction to the Papers of the New York Prize Court, 1861-1865.* By Madeline Russell Robinton. *Columbia University Studies in History, Economics and Public Law*, No. 515. (New York: Columbia University Press, 1945. Pp. 203. Bibliography. \$2.75.)

This work constitutes a comprehensive survey of the court records and case papers related to the prize causes adjudicated in the United States District Court for the Southern District of New York, arising out of the blockade of the Confederate States. These papers were in a state of sad neglect and disorder prior to the survey of federal archives made during the Roosevelt administration; but they have now been microfilmed by the Library of Columbia University, and they were used as the basis for this study, which was originally prepared as a doctoral dissertation.

In the microfilm reproduction of these papers, the cases have been arranged in the same order as they appear on the Prize Commissioners' Register. The papers in the several cases are presented in substantially the following sequence: pertinent excerpts from the Prize Commissioners' Register and the Admiralty Docket; the prize master's deposition; the ship's papers (the register, manifest, invoices, bills of lading, shipping articles, etc.); all other documentary matter on board the prize, including private letters; the depositions taken *in preparatorio*; other court papers, such as affidavits of claimants, appraisals of vessel and cargo, and records of sales; and finally the ship's log. In the index to Mrs. Robinton's book, the number which each case bears in the microfilm is placed in parentheses after the name of each prize, thus facilitating the use of the collection by others.

The opening chapter contains a description of the collection and of the nature, purpose, and historical value of the various types of papers which are to be found in it. In subsequent chapters the author discusses admiralty jurisprudence, the blockade, and the prize court, giving a detailed account of the process involved in the disposition of prize cases. While she has held her book within the proper limits of an introduction to these papers, she has presented a very good picture of a prize court of the period and some valuable data on Confederate commerce. Many readers may wish that it had been within the scope of her work to make comparisons with the workings of other prize courts, North and South, and to follow more broadly the story of certain vessels which were sundrily captured and recaptured and were in and out of the prize courts of both belligerents.

There were 197 cases included in the microfilm reproduction. Of the cases on the prize docket, nine were brought under the confiscation acts to sequester the private property of Confederate citizens, and five in condemnation of cotton recovered at sea. The author quotes from the decree in one of the latter cases to show that it "was not entertained by the court as a prize suit but in the nature of a salvage suit by government vessels reclaiming at sea

property derelict from vessels which had violated a blockaded port and was brought into court and condemned in that character." One could wish that she had developed somewhat the reasoning of the Court; for it cannot be assumed that the rescued goods, if they actually came from a blockade-runner, had belonged to United States citizens or to innocent neutrals.

The reviewer was troubled, too, by the case of the *Savannah*, a captured Confederate private-armed schooner, which, according to the author, "was libelled as a 'privateer' and accordingly the case was not tried on the prize calendar." But why not? The author does not say that the vessel was first proceeded against as a prize of war and then as a piratical vessel under an act of 1819 to protect the commerce of the United States and to punish the crime of piracy. Apparently she considered privateering and piracy of one piece, for in the next sentence she states that "The South became tremendously excited over the piracy charge . . . against its officers and crew tried in the admiralty court in instance at New York." While the South, and the world at large, viewed with horror the death sentences imposed, and the Confederate Government promptly initiated retaliatory measures that saved the lives of the privateersmen, it was not on the admiralty side or any other side of the District Court that this *cause célèbre* was heard, but in the United States Circuit Court. Though the division of criminal jurisdiction between the two courts was far from clear-cut at the time, it is difficult to understand how the author fell into this error, because the name of the court is given in the title of the printed report of the trial, cited in the footnotes.

The case of the gunboat *Ellis*, the only public vessel of the Confederate States the reviewer recalls as having been before the New York court, is not mentioned. The famous cruiser *Alabama* is alluded to as a privateer, which is astonishing in view of the fact that the author repeatedly cites Soley's *The Blockade and the Cruisers*, and Professor Soley was at great pains to distinguish between the two classes of commerce-destroyers.

Mrs. Robinton's work has undoubtedly been both difficult and tedious, and, in introducing these papers and their microfilm to the historically-minded public, she has performed a very real service. The reviewer regrets to suggest, therefore, that the book gives occasional evidences of inadequate legal and historical preparation—a want which is all the more surprising since the work has been edited by the political science faculty of a great university.

Washington, D. C.

WILLIAM M. ROBINSON, JR.

*The Correspondence of Bayard Taylor and Paul Hamilton Hayne.* Edited by Charles Duffy. (Baton Rouge: Louisiana State University Press, 1945. Pp. xii, 111. Appendix. \$2.00.)

An unusually large number of letters by Paul Hayne have come to light in recent years, and quite a few of them have found their way into print in scattered articles and books and in one sizable collection edited by Daniel M. Mc-

Keithan in 1944. The present slender volume, containing twenty-seven letters by Hayne and nineteen replies by Taylor, all but a few of which are now first published, adds to this growing body of documentary material for a literary history of the South.

The chief value of this correspondence consists in the light shed on the southern poet and the milieu in which he labored during the blighted years of Reconstruction, all but the first three letters falling in the decade 1869-1878. Hayne not only inaugurated the exchange and kept it going, but his letters are longer, more numerous, and more revealing. Taylor, though courteous and sympathetic, betrays the haste of a busy man to whom such a relationship could mean but little, and his letters add only an occasional detail to our knowledge either of him or of the literary world in which he moved. Indeed, since the two never met, it took Hayne some time to maneuver the correspondence into the requisite degree of intimacy. The earlier letters are largely filled with detailed comments on each other's writings, of concern only to the special student. But in the last years they broaden into more significant revelations of opinion and attitude, especially in Hayne's accounts of his southern literary friends and the cultural conditions of his region. It is this most interesting part of the record, however, that the historian must weigh most carefully. For Hayne, in his literary loneliness, depended pathetically on the mails for companionship, and his desire to ingratiate himself with his correspondents colored all that he wrote. His disparagements of the South and his apologies for the shortcomings of Simms in the letters to Taylor must be balanced against overstatements of an opposite sort in letters to southern authors and articles for southern magazines. And in all cases allowance must be made for Hayne's personality defects and for his failure to take into account the political, economic, and social influences on southern culture.

Mr. Duffy has performed his editorial duties with thoroughness and competence. In his aim to achieve a literal text he has apparently exercised the most scrupulous care, to which he has added the good sense of not attempting to reproduce the whimsical underscorings and pen-flourishes so familiar to readers of Hayne's manuscripts. The footnotes, of a bibliographical and explanatory nature, are as full as any one could desire. A brief introduction summarizes the principal aspects of the correspondence, and an index facilitates its use for reference purposes.

Johns Hopkins University

CHARLES R. ANDERSON

*The Farmer's Last Frontier: Agriculture, 1860-1897.* By Fred A. Shannon. *The Economic History of the United States*, Volume V. (New York: Farrar and Rinehart, Inc., 1945. Pp. xiv, 434. Illustrations, bibliography, appendix. \$5.00.)

This book is the first to appear but the fifth in order of a projected nine-

volume economic history of the United States that is being edited by Henry David, Harold U. Faulkner, Louis M. Hacker, Curtis P. Nettels, and Fred A. Shannon. In view of this galaxy of scholars as editors, it may be assumed that the other volumes of the series will meet the standards set in the present volume. The field of American economic history will gain thereby both in content and in meaning. Certainly there is no serious student of American history who will not have his views both provoked and widened by reading this volume.

Professor Shannon has sought "to view the scene as the farmer saw it and to picture the farmer himself as he affected and was influenced by the world in which he worked and lived" (p. viii). In other words, the main emphasis is on the factors involved in the changing status of agriculture as an occupation in the national economy. Without denying that other approaches to the subject have justification, the author has chosen the settlement of the last agricultural frontier as the main influence. Probably a choice of this sort was necessary, but the result is a delimited treatment. If and when written, the history of the technical advances in agriculture will add substantially to an understanding of the position of agriculture in this period.

There is evidence of a personal view in the treatment of some phases of the subject. It is implicit in the first sentence of the book, which reads: "The American farmer has rarely been prosperous. . . ." It is particularly evident in the consideration of the exploitation of tenants, share croppers, and farm laborers in the South and in the treatment of the monopolistic aspects of the national land policies. The author has deep sympathy for the poor and the oppressed. In his preface, he warns that he has insisted on being himself. At the risk of being held to be untrue to professional tenets, the reviewer confesses admiration of the author for being himself.

The matters of organization and emphasis in delineating this period which is rampant with change and stress present unusual difficulties, but they have been resolved moderately well. The book begins with a chapter on "Nature and the Farmer" in which attention is given to the extent to which the farmers understood the land on which they worked. The chapter on "Agricultural Settlement in New Areas" adds substantially to the interpretation of the actualities behind the census maps of persons to the square mile. The chapter on "Disposing of the Public Domain" presents the subject in perspective with reference to the latest findings of historians on the subject. This is done with such vigor that some readers will probably demand a re-revision. The chapters (12-14) on governmental activity in agriculture, the political revolts, and the farmers' attempts at self-help through co-operatives, emphasize the inadequacies of the government's efforts on behalf of the farmers in the face of economic monopolies. The practical problems of agriculture are dealt with in seven regional chapters. It is obvious that the author has a greater under-

standing of the region extending from the eastern edge of the prairies to the Rocky Mountains, but the resulting emphasis is proper. As the author says, "the major agricultural developments of 1861-1897 centered in or grew out of the Prairie states" (p. 148).

Students of southern history will be specially interested in the chapters on "Land and Labor in the New South" and "Southern Crops and Special Problems." The account of the rise of share-cropping is incisive. According to the author's view the system was "the outcome of years of experimentation to find what method would produce the most constant supply of submissive labor at the lowest cost" (p. 87). Some readers may feel that more emphasis should be given to the problem of credit in a war-devastated region and that the conclusion implies more definite and deliberate malevolence in the situation than is justified. The Civil War probably had far greater influence on agricultural conditions not only in the South but in the nation as a whole than this study would indicate.

Due to the lack of space, there are a number of regrettable omissions. The changing character and influence of farm periodicals and agricultural fairs deserve summaries, and the interrelationships of the countryside and village are not definitely indicated. The volume also contains inaccurate and doubtful statements, but listing them in detail would tend to overemphasize its shortcomings rather than its merits.

The volume is the pioneer venture in synthesizing the main threads of the history of American agriculture during the period 1860-1897. Those who are aware of the intricacies of the subject in this period and the inadequacies of the pertinent monographic literature will join the reviewer in according an accolade to Professor Shannon for bravery in essaying the task. In addition, it should be emphasized that every chapter is based on painstaking research. The hypotheses—answered, argued, and implied—outline enough work for a generation of historians. The book is an outstanding contribution to American historiography.

U. S. Department of Agriculture

EVERETT E. EDWARDS

*Memories of an Old-Time Tar Heel.* By Kemp Plummer Battle. Edited by William James Battle. (Chapel Hill: The University of North Carolina Press, 1945. Pp. xii, 296. Illustrations. \$3.00.)

The name of Kemp Plummer Battle is associated mainly with the University of North Carolina, which he was largely instrumental in reopening in 1875 and of which he served as president from 1876 to 1891. Among his achievements in this connection were the securing of large contributions from private sources to repair the buildings, which had been closed since 1870, and the successful termination of his and other efforts to persuade the legislature to vote to the University the income from the Federal Land Grant Act of 1862.

In 1877 he was principally responsible for establishing at the University a state summer normal school, the first of its kind in the South. In 1881, mainly through his persistence and in the face of bitter opposition, there was secured the first legislative appropriation to higher education in the history of the state; and four years later, again owing chiefly to his efforts, the appropriation was quadrupled. Resigning from the presidency to become professor of history in 1891, he remained in the latter position for sixteen years, continuing to render valuable services to the University and writing numerous addresses, lectures, and monographs. After retirement he published his *History of the University of North Carolina* (2 vols., 1907, 1912), an extensive repository of facts extending over more than a century of educational development.

Before becoming thus connected with the University he had already attained considerable distinction as a useful citizen of his native state. Born of a prominent North Carolina family in 1831, he graduated from the University with first honors at the age of seventeen and subsequently entered upon the practice of law in addition to the management of large farming interests. He was also engaged in various financial enterprises, resulting in 1857 in his election as a director of the rechartered Bank of North Carolina. Although a strong Union man previous to Lincoln's call for troops, he was one of the signers of the secession ordinance in 1861, and during the Civil War was president of the Chatham Railroad Company which unsuccessfully attempted to complete a line from Raleigh to the Chatham County coal fields in order to supply fuel for the Confederate munitions factories. After the war he was elected state treasurer and served until the existing state government was replaced by military authority under the Reconstruction Acts of 1867. Among his other activities during the Reconstruction period were a term as city commissioner in Raleigh and a three-year presidency of the State Fair Association, the latter position coming as a result of his extensive farming operations and his conspicuous advocacy of improved agriculture.

It is with this earlier phase of Battle's career that his memoirs, begun at the age of eighty-one, are mainly concerned. They contain his recollections of childhood in Franklin County and in Raleigh, of his parents and various other relatives, and of student days at Chapel Hill; descriptions of his courtship and marriage, his law practice and political aspirations, his planting activities in Edgecombe County, his experiences during the Civil War and Reconstruction periods; and a brief account of personal incidents occurring in connection with his work as "Second Founder" and president of the University of North Carolina. The narrative ends about 1890, the author evidently being more interested in the remote than in the recent events of his life; and moreover, he had already recorded the latter in the second volume of his history of the University. The manuscript appears to have been left in an unfinished condi-



tion, and has been revised by the author's son who has eliminated repetitions, removed slips in fact and style, "added a sentence here and there where it seemed needed for proper sense," and in general "tried to do what I believe my father would have been glad to see done."

The book does not pretend to the character of serious historical work and therefore should not be subjected to the standards of historical criticism. Very likely it will prove to be of no great interest to persons not connected by birth, residence, or tradition with the state of North Carolina. But as the chronicle of a fifty-year period in the life of a genial and humane North Carolinian who was respected and beloved in his day, as an interesting sidelight upon the social and economic life in which he moved, and as a collection of the stories and anecdotes which the natives of his state never tire of hearing, it will doubtless serve the purpose which its author intended.

North Carolina State College

JAMES W. PATTON

*Seaman A. Knapp; Schoolmaster of American Agriculture.* By Joseph Cannon Bailey. *Columbia University Studies in the History of American Agriculture*, No. 10. (New York: Columbia University Press, 1945. Pp. xvi, 307. Bibliography. \$3.25.)

The history of American agriculture is replete with the names of agrarian leaders who have made notable contributions to the advancement of the farming industry, but who have not yet received as much attention from the historians and biographers as have our captains of industry, commerce, and finance. Among the agrarian leaders is Seaman A. Knapp, popularly known as the founder of the farmers' co-operative demonstration work, which was begun as a supervised experiment in boll-weevil infested Texas and became the forerunner of the present county and home demonstration work conducted on a national scale.

Knapp was born in 1833 in upper New York, but moved to Benton County, Iowa, at the age of thirty-two. Here he bought two farms and became recognized as a leader in the promotion of scientific agriculture. In 1880 he was appointed to the newly-established chair of practical and experimental agriculture at Iowa Agricultural College, later named Iowa State College of Agriculture and Mechanic Arts. He maintained his connection with this institution for seven years, during one of which he served as president of the College. He became an active supporter of a bill in Congress for the establishment of a federal system of experiment stations under the immediate direction of the agricultural colleges. This bill emerged in modified form as the Hatch Act of 1887, the year in which Knapp resigned from the College.

At this time Knapp began a great adventure in land settlement, which is not so well known as his later work. The Watkins Syndicate having been

organized to develop 1,500,000 acres of marsh and prairie land in southwestern Louisiana, Knapp was invited to take charge of prairie development. He organized a company for the development of the rice-growing industry, encouraged immigration from the North, and brought in northern machinery, with the result that by the turn of the century Louisiana was producing seventy per cent of the nation's rice crop. He had transformed a barren region into one of the highly specialized crop areas of the United States.

The rest of the story unfolds rapidly and logically. In 1902 Knapp was appointed special agent of the Department of Agriculture for the improvement of agricultural methods in the South. This opened the way unexpectedly for the establishment of the demonstration system with which his name is popularly identified. In 1903 he inaugurated the Home Demonstration Farm Plan, and within ten years the system was in operation in all the states and territories of the Union. The plan gained momentum in the South in the next decade, was adopted in the North, and finally, through the passage of the Smith-Lever Act by Congress, became a national rural educational system administered through the state agricultural colleges and known as the agricultural extension system, supported on a fifty-fifty basis for "the dissemination of agricultural and homemaking information."

Dr. Bailey tells this story of a trail-blazing pioneer in the advancement of American agriculture with a wealth of detail gathered from numerous primary and secondary sources listed in the bibliography. A number of minor errors have been noted. *Wallace's Farmer* is mis-named "*Journal*" (pp. 64, 70, 307); the name of Charles F. Curtiss is spelled "Curtis" (p. 258), while the names of George W. Curtis and Charles F. Curtiss are not differentiated in the index (p. 294); the South in 1900 was not "almost completely agricultural" (p. 216). As a major criticism it may be said that the author's enthusiasm for his subject leads him to indulge in a bit of hero worship and a tendency at times to overemphasize, not to say dramatize, Knapp's leadership in the promotion of agricultural legislation. To say, for example, that the Smith-Lever Act "is Knapp's nearly single-handed achievement" which "has been realized by almost no one" (p. 276) is to claim for Knapp the paternity of this law which is shared by other agrarian leaders both in and out of Congress. The validity of some of the author's interpretations may be questioned by the specialist. This is to be expected. No study is definitive; and in this case the author has produced a good book which should appeal both to the historian and to the general reader interested in agricultural affairs. It will suggest the names of other agrarian leaders worthy of the attention of the historian and biographer.

*The Wildcatters: An Informal History of Oil-Hunting in America.* By Samuel W. Tait, Jr. (Princeton: Princeton University Press, 1946. Pp. xvi, 218. Illustrations, maps. \$3.00.)

This study of a colorful phase of a great American industry may be expected to hold the interest of the reader, whether he is or is not acquainted with the history of the oil industry. Further, it helps to fill a gap in American industrial history. The lumber business, gold mining, the rise and fall of the great cattle ranches—all these have previously been described at length by competent historians. Petroleum, as a comparatively recent development, has been somewhat neglected. Few competent historians have dealt with the industry, despite the great importance of oil in our American economic and social development.

Mr. Tait is well qualified to write such a study, since both he and his father have worked in the oil fields. He describes himself as reading the *Oil City Derrick* when he was a child of ten. As a man he engaged in the oil business in both the Appalachian area and the Mid-Continent. He is not a professional historian, but his sources are varied, many being men who sought oil across the continent. He has endeavored in this book to recount some of the lore of the petroleum industry.

The author knows oil men whose migrations have practically covered the United States, with the Appalachian region as the starting point. The rapid mobility of the industry has done much to standardize its stories. Mr. Tait recognizes that condition in telling the best known of all the wildcat tales of the widespread oil country. The story has numerous variations, but the essential element is the drilling of a great discovery well on a site selected entirely by accident because the truck, carrying the drilling materials, broke down, the mules refused to go farther, the tired teamster wanted to go home, or some other plausible reason. But in all cases the well so casually chosen was a great producer. Mr. Tait believes this event actually occurred in California and suggests that it may have been true in other pools. The story, related in all honesty and conviction, is attached with equal sincerity to discoveries in New Mexico, Texas, and Oklahoma. It is an amazingly convincing tale, and, indeed, it could be true in any or all instances. The frequency with which it appears, nevertheless, throws doubt on its verity. A good yarn travels rapidly on its own merit. The workers of the oil fields dashed from West Virginia to Texas, from Oklahoma to Montana, from Wyoming to California, and from the Pacific Coast to Illinois, taking with them their drills, sledges, lease forms, and above all their lore. When the American oil field tales are compiled, they probably will show great uniformity.

Mr. Tait presents many significant and pertinent facts on the formative days of some of the companies which later became giants in the industry—the Prairie, the Carter, the Continental, and the Standard of California, for exam-

ple. He also throws light on the struggles of Ed Doheny, Charles Canfield, and others who became national leaders in the business. Although those were pioneers, they became more than wildcatters. The reader will wish for more information on Columbus Marion Joiner, discoverer of the great East Texas field, or on "Dusty" Woods, who had to fight a devastating California earthquake.

Episodes in the development of the oil industry in fifteen states give this book a national breadth. Rather surprisingly, however, three states—Arkansas, New Mexico, and Louisiana—have received slight consideration.

Mr. Tait concludes his book with the suggestion that scientific exploration may reach its limit of usefulness, and calls attention to many oil pools that have been found through the good fortune of wildcatters. Many persons will object to that suggestion, just as countless men in the industry will support it. While the scientific staffs of the big companies have grown steadily and ways and means of laboratory search have multiplied, an imposing faction of sturdy individuals believe simply that "oil is where you find it." The wildcatter, who insists on drilling on a "hunch," however, is not likely to have great financial stability. Mr. Tait wisely takes no stand, but leaves the future to answer the implied question.

Oklahoma A. and M. College

GERALD FORBES

*Library Resources of the University of North Carolina.* Edited with a Foreword by Charles E. Rush. *The University of North Carolina Sesquicentennial Publications.* (Chapel Hill: The University of North Carolina Press, 1945. Pp. x, 264. \$3.50.)

This volume represents the collaboration of some thirty professors and librarians in summarizing the "facilities for study and research" in the Library of the University of North Carolina. Emphasis is frankly placed on strength rather than weakness and particular attention, as the editor states, is paid to "the role of the Library in the University's promotion of culture and scholarship."

The book is divided into nine sections: "The Library in Scholarship and Research," "Collections and Foundations," "Bibliography and Reference," "Biological and Related Sciences," "Fine Arts and Philosophy," "Language and Literature," "Physical Sciences," "Social Sciences," and "Library Extension." Except for the first (which is a historical analysis of the Library from 1795 and a discussion of present-day "co-operative facilities"), each section contains carefully prepared analyses of most important resources as appraised by subject specialists.

Although the book collection at Chapel Hill, with only 448,000 volumes, is small by comparison with the larger libraries of the East and West, one

cannot fail, in perusing this volume, to observe its qualitative excellence. Somewhere down the years (since 1905 largely, for at that time the collection contained only about 40,000 books) wise librarianship and thoughtful faculty co-operation have gone into its building. And, as *Library Resources* conclusively indicates, these efforts are now paying big dividends for both study and research.

It would be fruitless to attempt to record here the many benefits the Chapel Hill Library offers scholars in various fields. Readers of this journal will doubtless be particularly interested in the chapters describing the wealth of material in the North Carolina and Southern Historical collections. The former contains about ninety-five thousand items, the latter many more and touching generally upon "(1) the social system of the old South; (2) the Confederacy and the Civil War; and (3) the plantation system and slavery."

As has been many times remarked, the greatest good of a self-survey usually accrues to the surveyors. But this volume should serve many other worthy purposes in the advancement of research in the South. Not the least of these will be of course its use as a reference handbook by scholars. Another, its use by librarians and instructors as a guide to good buying. And for any researcher *Library Resources* will be a valuable tool to have on his shelves.

University of Alabama

W. STANLEY HOOLE

## Historical News and Notices

The annual meeting of the Southern Historical Association for 1946 will be held in Birmingham, Alabama, on Thursday, Friday, and Saturday, October 31 to November 2. According to the present plans of the program committee, the opening sessions will be those of Thursday afternoon and the closing session will be the annual business meeting at a luncheon on Saturday.

Through an oversight, our printers failed to include the title page and index of Volume XI of the *Journal of Southern History* in mailing the copies of the February issue to members. These have since been mailed separately; and any member who has not yet received them and who wishes to have them for his files is requested to communicate with the managing editor as soon as possible in order that the records may be cleared.

### PERSONAL

C. Vann Woodward, formerly of Scripps College and for the past three years an officer in the Navy, has been appointed associate professor of history at Johns Hopkins University. He will be on leave of absence until February, 1947, for research work under the auspices of a Guggenheim fellowship (instead of a Rockefeller grant as announced in the November issue of the *Journal*).

Thomas P. Govan, on leave of absence from the University of the South, at Sewanee, Tennessee, for service with the Historical Division of the Army Ground Forces, has been awarded a Library of Congress grant-in-aid for work on a biography of Nicholas Biddle. He will teach during the summer term at the University of Virginia.

Announcement has been made by the United Daughters of the Confederacy of the award to Harold S. Schultz, of the department of history at Elon College and a recent doctoral graduate of Duke University, of the Baruch University Prize for his study entitled, "South Carolina and National Politics, 1852-1860; A Study of the Movement for Southern Independence." This prize of \$1,000 is awarded biennially for the best unpublished manuscript submitted by a graduate student upon a subject pertaining to the Confederacy or the causes of the Civil War.

The annual Mayflower Society award for the best book of the year by a North Carolinian was given to Josephus Daniels for 1945, for his *The Wilson Era; Years of Peace, 1910-1917*.

David D. Wallace has returned to his teaching duties at Wofford College after an extended leave of absence to serve as director of research for the Gregg Foundation, which was created by the Graniteville Company in 1941 to promote the collection and preservation of historical materials relating to the development of industry in South Carolina.

Edward P. Alexander, superintendent of the State Historical Society of Wisconsin, has resigned to accept a position as educational director of Colonial Williamsburg. He began his new work in February.

Chase C. Mooney, formerly with the Historical Division of the Army Air Forces, has been appointed assistant professor of history at Southern Methodist University, beginning in March.

Charles L. Anger, formerly of The Citadel, Charleston, has been made assistant professor of history at Catawba College, Salisbury, North Carolina.

Gerald Forbes, formerly with the Historical Division of the Army Air Forces, has accepted an appointment as associate professor of history at the Oklahoma Agricultural and Mechanical College, effective in May.

At the University of Kentucky, J. Merton England, formerly with the Historical Division of the Army Air Forces, has been appointed instructor in history, and leaves of absence have been granted to Rhea A. Taylor and James F. Hopkins for the completion of their graduate study.

Among those returning to academic positions from leaves of absence for service in connection with the war are: Henry L. Swint, of Vanderbilt University, who also resumes his position as editorial associate on the *Journal of Southern History*; Allen W. Moger, of Washington and Lee University, who has been promoted to the rank of associate professor; Walter B. Posey, of Agnes Scott College; Paul H. Clyde, of Duke University; Charles G. Summersell, of the University of Alabama; Chalmers G. Davidson and John A. McGeachy, of Davidson College; Henry S. Stroupe, of Wake Forest College; Alfred B. Sears, of the University of Oklahoma; William F. Church, of the University of Kentucky; Ralph A. Smith, of Hardin-Simmons University; Harris G. Warren, of Louisiana State University; and J. Harvey Young, of Emory University.

#### HISTORICAL SOCIETIES

The forty-fifth annual meeting of the North Carolina State Literary and Historical Association was held in Raleigh on December 14. The program included a paper by Clement Eaton, of Lafayette College, on "Edwin A. Alderman, Liberal of the New South"; one by Norman Foerster, of the University of North Carolina, on "Iowa, North Carolina, and the Humanities"; a review of North Carolina books and authors by Mrs. Charlotte Hilton Green, of

Raleigh; an address by Armistead M. Dobie, United States Circuit Judge, of Charlottesville, Virginia, on "Law and Language"; and the presidential address by Aubrey L. Brooks on "America in a World Democracy." At the annual business meeting of the Association the following officers were elected to serve for the year 1946: Robert B. House, of the University of North Carolina, president; Mrs. Ford S. Worthy, of Washington, North Carolina, first vice-president; J. Harold Wolf, of Limestone College, second vice-president; Mrs. Sidney McMullan, of Edenton, third vice-president; and Christopher Crittenden, of the North Carolina Department of Archives and History, secretary-treasurer.

The Historical Society of Delaware has begun the publication of a new periodical to be known as *Delaware History*, the first number of which appeared in January, 1946. The magazine is to be devoted solely to the history of Delaware with the hope that such a publication may stimulate the study and writing of the state's history, and may provide a medium for the publication of important letters, diaries, and manuscripts which form the basic source material for that history. The first issue includes an article on "John Dickinson, President of the Delaware State, 1781-1782," by J. H. Powell, and an installment of "Minutes of the Delaware Council of Safety," edited by Leon de Valinger, Jr. The magazine is to appear at least twice a year, under the editorship of Charles L. Reese, Jr.

The programs of the monthly meetings of the East Tennessee Historical Society have continued the series of individual studies which are to form parts of the history of Knox County being prepared in honor of the sesquicentennial of the admission of Tennessee to statehood. At the February meeting, Charles W. Cansler presented a paper on "Negroes in Knox County History," and at the March meeting, Charles P. White discussed "The Economic and Industrial Development of Knox County before 1860."

#### BIBLIOGRAPHICAL

Among the recent accessions to the Division of Manuscripts in the Library of Congress the following, arranged in chronological order of materials, may be of interest to students of southern history and closely related fields: photo-stats of four papers of the Hayden family of Connecticut, April 11, 1696, to April 7, 1888; copy of letter from Brown Willis to John Hampden, April 29, 1738, and genealogical chart of the Hampden family, 1825; letter from Joseph Farrell and nephew to Daniel Parke Custis, November 29, 1749, with endorsement in the hand of George Washington on the verso; photostat of 16 pages of Harrod family genealogical notes, 1759 to 1868; six additional papers of James McHenry, 1776 to 1814; photostat of letter from George Washington to Nicholas Cooke, April 3, 1777; letter from George Washington to [     ], November 24, 1777; photostat of letter from John Blair to Benjamin Harrison,



governor of Virginia, January 4, 1782; about two hundred papers of Andrew Ellicott, 1784-1829; forty-eight letters of Rebecca Gratz, mainly to Maria Fenno Hoffman, 1797 to 1804, and 1860; ninety additional papers of the Shippen family, mainly 1798 to 1855; one hundred and eleven additional papers of Alfred Mordecai, mainly 1822 to 1885; letter from Zachary Taylor to Thomas Lawson, August 28, 1828; letter from John Quincy Adams to Joseph Blunt, editor of the *American Annual Register*, January 16, 1830; authorization of Andrew Jackson to the Attorney General of the United States on the matter of debt, February 24, 1834; manuscript account of Andrew Johnson with Mordecai Lincoln for tailoring and other items, March 12, 1835, to June 13, 1836; letter from Andrew Jackson to Henry Toland, September 9, 1835; photostat of message sent out by William B. Travis during the siege of the Alamo, February 24, 1836; eighty-three additional papers of A. A. Low and Brothers, largely relating to trade with China, September 15, 1842, to July 16, 1849; photostats of additional papers of William Gregg, mainly 1843 to 1872; photostat of letter from Y. E. Garvin and other citizens of Gettysburg, Pennsylvania, to Thaddeus Stevens, September 10, 1844; seven letter and account books of Philippine Islands and Boston merchants, Lorenzo Margati and José Margati, 1845 to 1855 and 1865 to 1887; diaries (2 volumes) kept by James M. Hutchings, May 19, 1848, to December 31, 1855; photostat of letter from Daniel Webster to Daniel Webster Fessenden, July 26, 1849; journal by Robert Danby of a cruise in the United States steam frigate *Mississippi*, November 24, 1852, to April 22, [1855]; seven letters from Franklin Pierce to members of his family, 1854 to 1865; papers of James Petigru Boyce, one volume and seventeen other items, mainly 1854 to 1888, and 1907; six additional letters from John Fiske to members of his family, March 31, 1867, to June 3, 1887; ticket to the impeachment proceedings against Andrew Johnson, United States Senate, May 7, 1868; shorthand statement by Woodrow Wilson, with transcription, relating to the choice of a United States senator from New Jersey, December 8, 1910; additional papers of Woodrow Wilson, July 5 to August 14, 1914 (restricted); twenty-two pieces of correspondence of Howard O. Eaton and ten drafts of a proposed Constitution of the United Nations, with marginal notes by Mr. Eaton, 1940 to 1942; papers of William E. Dodd (restricted).

The *Eleventh Annual Report of the Archivist of the United States* for the fiscal year 1944-1945, published in February, describes the part played by the National Archives in handling records problems at home and abroad during the last full year of World War II. With the smallest staff it had had since 1938, the agency could not deal as effectively as it might have with the ever-increasing mass of government records. Major attention was given to the war agencies likely to be terminated soon after the end of hostilities. By accessioning their valuable records, facilitating the disposal of those no longer of value, and planning for the eventual disposition of all their files, the records of war

agencies were brought under some measure of control. Altogether, from old-line as well as emergency agencies, the National Archives received nearly 74,000 cubic feet of records during the year, bringing the total in the custody of the Archivist on June 30, 1945, to more than 689,000 cubic feet. Reference service still had to be rendered on a restricted basis, but a number of special services, such as furnishing information and assistance to the military authorities in the protection and utilization of records in occupied areas, were performed. Copies of the *Eleventh Annual Report* may be obtained upon request. Another publication of the National Archives recently issued is *Putting Paw to Bed; The Records Retirement Program of the Petroleum Administration for War*, by Frances Bourne.

Now that the war is over, the National Archives can once again take orders for file microcopies. The program to reproduce on microfilm bodies of records of outstanding research value and to provide positive prints to the public at cost was begun in 1940 but was hampered by wartime reductions in staff and the scarcity of materials. Nevertheless, during the past five years some 1,400 rolls of file microcopies have been made. Among the file microcopies completed are the following: population schedules of the census of 1830 for Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Illinois, Mississippi, New York, North Carolina, and Tennessee; records of the Office of Indian Affairs, consisting of letters sent by the Commissioner of Indian Affairs, 1824-1869, registers of letters received, 1824-1880, records of the Oregon Superintendency of Indian Affairs, 1848-1873, and records of the Washington Superintendency of Indian Affairs, 1853-1874; and records of the Department of State, consisting of consular and diplomatic instructions, 1791-1834, despatches from United States ministers to Great Britain, 1792-1870, despatches from United States ministers to France, 1789-1870, and registers of correspondence, 1870-1906.

The National Archives and the Maryland Hall of Records are again co-operating in the presentation of an intensive training course on the preservation and administration of archives, to be offered by the American University, Washington, D. C., from June 17 to July 6, although students may elect to remain an additional week to work on projects. This short course will consist of lectures and laboratory work and will give special consideration to the problems of small institutions. It will be conducted by Ernst Posner, professor of history and archival administration of the American University, Morris L. Radoff, archivist of the Maryland Hall of Records, and members of the staffs of the Maryland Hall of Records and the National Archives.

The Emory University Library has recently acquired an extensive collection of the papers of Alexander H. Stephens, which includes over a thousand letters, many of them written to Stephens by such political leaders as Robert Toombs, Howell Cobb, Joseph E. Brown, and Benjamin H. Hill during the

period from 1837 to 1882. There are also many letters to and from his brother, Linton Stephens, relating to both public and family affairs; numerous letters from Confederate officials; and a diary which he kept in two blank ledgers during the four and a half months of his imprisonment at Fort Warren in 1865. A brief description and evaluation of the collection appears in the *Emory University Quarterly* for March, 1946 (Vol. II, No. 1), under the title, "Alexander H. Stephens Papers in the Emory University Library," by James Harvey Young.

Through an arrangement with the South Caroliniana Library, the South Carolina Historical Society has received extensive portions of the records of Chafee and O'Brien and W. E. Holmes and Company, two former Charleston business firms. These records were originally acquired by the South Caroliniana Library, but, on being found to be too voluminous for preservation by one institution, they were divided and the choice of certain parts was offered to the Society. The materials selected have to do mainly with transactions within the city of Charleston over a period beginning in the late 1870's.

Other recent acquisitions of the Society include the private papers and collection of historical manuscripts of Langdon Cheves; proceedings of the commissioners of roads of All Saints Parish, 1817-1859; Laurel Hill Mill record, 1846-1861, of Francis M. Weston; two volumes of notes on medical lectures at the University of Edinburgh, 1804, and a day book, 1812-1816, of Dr. George Paddon Bond Hasell (1781-1818); a day book, 1841-1850, and an additional volume of medical accounts, 1830-1842, of Dr. Andrew Hasell (1803-1866); three volumes of records of the Charleston Poor House Hospital, 1847-1853; medical account book, 1850-1854, of Dr. Arthur B. Flagg (1828-1893); three volumes of medical accounts, 1881-1883, 1897-1898, 1923-1924, including a trial justice docket book, of Dr. J. J. W. Flagg (1860-?); sketch book, dated 1837, of E. B. Flagg; and nine volumes of miscellaneous records of Springfield and Brookgreen plantations, 1832-1904; a transcript of the memoirs of General Samuel Wragg Ferguson; and a collection of documents and newspapers relating to the history of the projected Charleston, Cincinnati, and Chicago Railroad and the suits against that corporation which resulted in the sale of its properties by court decree in 1893.

*Doctoral Dissertations Accepted by American Universities, 1944-1945* (New York, H. W. Wilson Company, 1945), edited by Arnold H. Trotier, includes the following subjects in the field of southern history: "The Life and Times of Dr. Thomas Bray (1656-1730): A Study in Humanitarianism," by Samuel C. McCulloch (University of California, Los Angeles); "The Virginia Merchant," by Calvin B. Coulter (Princeton University); "The Origins and Growth of Party Politics in Virginia, 1660-1705," by Patricia H. Menk (University of Virginia); "The Trend of Laissez-faire in Virginia, 1789-1836," by Wiley E. Hodges (Duke University); "Baltimore as a Port of Propaganda for South

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